Marine Life Protection Act Initiative

Public Comments Regarding the February 19, 2010 *Regional Profile of the North Coast Study Region (California-Oregon Border to Alder Creek)*

From: mark taylor
Sent: Monday, April 12, 2010 10:34 PM
To: MLPAComments
Cc: Jeanine Pfeiffer
Subject: North Coast Regional Profile

Dear MLPAI Team,

I wrote to you before concerning the first draft Regional Profile. Several of the items I noted are still, in my opinion, misleading or wrong.

Specifically, in section 5.1, where county profiles are provided, there are graphs showing the Ocean Economy Wages for each county. These graphs are colorful and take up at least half a page for each county and dominate the attention of a non careful reader. In Mendocino County's case, the graph shows no commercial fishery (Living Resources) wages. The lead in to the graph also characterizes the Ocean Economy Wages on the basis of the data that drew the graph. Under the graph, a "fine print" footnote finally mentions that there was, in fact, no data available for Living Resources Wages in the collected data. The graphs for all three counties have such footnotes that belie the impression of the graphs they reference. Inasmuch as one of the largest private employers in Mendocino County is an urchin processer, I would hope you would find this as misleading and distorted as I do, and a kind of sloppy usage of incomplete information. As this Regional Profile will inform even more processes than MLPA, I would think that it would be far more professional, and honest, in cases where the gaps are substantial, to acknowledge an absence of data in the same light as the data actually on hand, and not as a footnote.

Similarly, I originally objected to the characterization of the data about boating in section 5.7.2 (pg. 106). This is a sub heading under 5.7 - Non Consumptive Uses. In this description, it goes out of its way to describe boating uses by way of percentages of non fin-fishing or non fishing trips. It refers the reader to a table of statistics to prove it all. I wrote to you about the inaccuracies of the percentages cited. While you did make some changes and mention the mitigating factors, such as enforcement, maintenance and unidentified uses, the impression created from the percentages in the sentences preceding is still misleading.

As this is in a section on Non Consumptive Uses, (and it's curious that you would include a category so overwhelmingly consumptive in this section) I would suggest that it characterize those uses, something like this: "Non Consumptive activities include Recreational Cruising, Whale Watching, Bird Watching, Non Consumptive Diving, Research, Burial at Sea, and other Commercial Activity, and comprise a range of from 3.3% (Del Norte County) to 7.6% (Mendocino County) of surveyed boating activity in the North Coast Region". I realize there might be a problem with the characterization of those numbers, too, for the same reasons the numbers for "non fishing trips" are skewed, but the point is, that this is a difficult dataset from which to extrapolate

(because it includes uses which are not strictly consumptive or non consumptive), without eliminating some categories and refiguring percentages. That would be more honest, but gets into sticky territory, and I hope it's because you're reluctant to deviate from the actual numbers in the data and not some attempt to spin numbers to create an impression not supported by data. So, I would suggest again that you acknowledge the problems with the data set, and try to avoid mischaracterizing the numbers. The table stands for itself, let the readers do the interpreting.

Finally, you continue to list MacKerricher Park as having a boat launch. I was wrong before - it does indeed have one. But it launches into Lake Cleone, a little freshwater pond that's separated from the ocean by a haul road that's been there for decades. There is no access to the ocean, as the water exits via culvert to the beach and the ocean beyond, and the fish are all freshwater (mostly trout, which used to be stocked, and bass). As this type of stream isn't considered part of the area within the parameters of the MLPA, I don't think the launch should be included, either.

I suppose it's too late to make any changes, but I feel these are pretty big holes, and show some of the pitfalls of using "best available science". I realize how enormous and difficult the compiling of report such as this is, but incomplete data or data with only a peripheral relation to a subject can be used to make broad and misleading statements. In the haste to compile the profile, I'm sure databases were scoured for any information even remotely related to the region. While there is a lot of data in some areas, others are patchwork or fitted to different areas of research. And that information was cobbled together to make the report. The danger lies in reporting and interpreting simply on the basis of the data one has at hand, as opposed to seeing where that data fits in the bigger picture, and noting its shortcomings, if they exist. It really isn't a failing to admit that we haven't studied everything, it opens the possibilities of further exploration, one of the goals of the MLPA.

The examples I've noted are from the body of the report. I didn't dive deeper into the underlying references - how many holes could be found there? To some extent, this regional profile will less inform the MLPA process than the more detailed findings of the SAT, but it will be on record and be used by other entities in other processes. In that it is a permanent, and supposedly objective document, I would hope that you'd strive to avoid oversights like this, as well as keeping this profile as an open document that could be added to and corrected as more data is collected.

Thank you,

Mark Taylor

From: Harold Wollenberg
Sent: Wednesday, April 14, 2010 9:39 AM
To: MLPAComments
Subject: comments on regional profile

The Regional Profile provides an excellent source book of information on the northern California coast.
The following comments/suggestions amplify sections within my areas of knowledge.

Harold (Skip) Wollenberg
geologist, member of RSG, Fort Bragg

Comments on Regional Profile:

Ch.2, p.4: To para. 3 about Cape Mendocino, might be added:
Rapid tectonic uplift is exemplified by the ~1-meter instantaneous rise of the land in response to the Cape Mendocino earthquake of 1992, where rocky intertidal biota were lifted above the splash zone.

The middle portion of the following para. about the Eel River, might be revised as follows: The continental shelf between the Eel River and Trinidad Bay is relatively featureless due primarily to sediments deposited by the Eel River to the south and the Mad River to the north (Goff et al., 1999). Subtle features in the sub-marine topography also reflect the continental shelf's response to ongoing tectonic processes (O'Shea, 2006).
[the reference for O'Shea is: O'Shea, D.. 2006. Continental shelf sedimentation and Holocene development of the northern California coast, Eel River and Humboldt Bay. M.S. thesis, Humboldt State University.]

3.1.3 (p.14): An additional sentence at the end of the second full para. might read: As sea level rises over the next century (estimated to be of the order of 1.4 meter (Pacific Institute, 2009)), the inland extent of the estuaries will be continually increased.

[reference: Impacts of sea level rise on the California coast. Prepared by the Pacific Institute for the California Ocean Protection Council, 2009.]

Also in ch. 3, on p. 18, an additional sentence at the end of the para. on Mad River estuary might read: The mouth of the Mad River varies in location northward and southward over a ~1 km span along the beach below the McKinleyville bluffs, in response primarily to beach buildup and degradation.

Ch. 3, p.20, Additional sentences at the end of the para. on the Noyo estuary might read: The Noyo estuary is the most industrialized of the river estuaries. Its lower 1.5 km. supports a fishing fleet, accompanying infrastructure and a Coast Guard base, and is periodically dredged to maintain deepwater moorage.

Ch. 4, p. 54, A potential pollutant point source is the inventory of spent nuclear fuel from operations of a reactor in the 1960s at the Humboldt Bay power plant. These fuel rods are reportedly presently in surface cask storage, but could be subject to inundation and potential release by a tsunami.

Other point sources which should be considered are nearshore and offshore disposal sites of spoils from dredging of the Eureka, Crescent City and Fort Bragg harbors.

4.3.3, vcy. p. 57, It should also be mentioned that as of 2010, TMDLs have been or are being established for all of the other coastal rivers in the North Coast Study Region that discharge directly to the ocean, and also for the Elk River which discharges into Humboldt Bay.

From: Harold Wollenberg
Sent: Thursday, April 15, 2010 2:37 PM
To: MLPAComments
Subject: Regional Profile, additional comment

Ch. 2, paragraph on Cape Mendocino in middle of p.4:

North of Alder Creek, strands of the San Andreas Fault parallel the coast 3 to 10 miles offshore (Jennings,1994; McCulloch,1989). A maximum credible earthquake on the San Andreas would be a repeat of the April 18, 1906 event of Magnitude 8, where Modified Mercalli intensities of 9 were experienced at Mendocino coastal communities, similar to intensities experienced in San Francisco. At that time, the San Andreas Fault broke instantaneously 5 to 6 meters over a span of 500 km.

Nelson et al. (2004) described evidence, from seabed sampling and geophysical observations, of 24 large earthquakes on the San Andreas Fault over the past 6000 years. The deposits sampled and dated were from turbidity currents, debris flows triggered on the sides of submarine canyons by earthquakes whose magnitudes exceeded 7.2. The researchers found that 75% of the quakes occurred 150 to 225 years apart, and the shortest recurrence time between two of these earthquakes was 140 years. The most recent turbidite, sampled in the Noyo canyon, was triggered by the 1906 earthquake. Therefore, the probability of another large earthquake occurring on the northern portion of the San Andreas Fault is increasing, and will become high beginning in the middle of this century.

Of similar concern to an earthquake on the San Andreas fault is the coast's response to a large subduction-related earthquake near the Mendocino triple junction. Along with shaking, there is the added factor of a tsunami resulting from earthquake-induced submarine landsliding on the southward-facing escarpment of the Mendocino Fault which extends seaward from Cape Mendocino for several hundred miles. Depending on the location of an event on the escarpment, resulting tsunami travel times to the coast could range from a few minutes to tens of minutes. Recent projections of run-up distances from tsunamis point out the vulnerability of coastal infrastructure, an by inference intertidal marine life, in this setting (Barberopoulou et al, 2009).

References:
Barberopoulou, A., et al., 2009. New maps of California to improve tsunami preparedness. EOS transactions, American Gepohysical Union, v,90, no.16.

Jennings, C.W., 1994. Fault activity map of California and adjacent areas. Map no. 6,

California geologic data map series. California Geological Survey.

McCulloch, D.S.,1989. Geologic map of the north-central California continental margin. Map no. 6A in California continental margin geologic map series, H.G. Greene and M.P. Kennedy, editors. California Geological Survey and U.S. Geological Survey.

Nelson, H., et al., 2004. Holocene turbidite recurrence frequency off Northern California: insights for San Andreas Fault paleoseismology. Transactions, American Geophysical Union 85(47) Fall Meeting abstract.

Harold (Skip) Wollenberg

geologist, RSG member, Fort Bragg

April 16, 2010

To: California Marine Life Protection Act Initiative
c/o California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95614

From: Linda Perkins
PO Box 467
Albion CA 95410

RE: Information for the Draft Regional Profile of the North Coast Study Region

To Whom It May Concern:

The Albion River Estuary is currently proposed for designation as a State Marine Park under External Array D of the North Coast Study Region.

Enclosed are materials related to the Albion River Estuary. Please add these to the North Coast Regional Profile of the California MLPAI. These documents delineate the important natural resources found in the Albion Estuary and support the importance of protecting its flora and fauna.

Thank you,

Linda Perkins

Linda Perkins
Albion River Watershed Protection Association, Chair
Submitter of External Array D, Secondary Contact Person

Attached are Documents A through E:

A. Draft Environmental Impact Report (W 20241), Two Marinas on the Albion River, Mendocino County, State Lands Division, August 26, 1976, 12 pages.

B. Preliminary Report, Albion River Estuary Development, California Coastal Commission, February 11, 1976, 8 pages. And associated Coastal Wetland Survey, February 3, 1978 with maps, 9 pages.

C. Botanical Survey of Lower Albion Estuary for AP# 123-170-01, Gordon E. McBride, PhD, July 9, 1993, 7 pages.

D. Department of Forestry and Fire Protection Memorandum, Albion River Estuary, February 13, 1991, 2 pages.

E. Mendocino County General Plan, Coastal Element (Coastal Commission Certification, November 20, 1985), January 15, 2002, pages 191-192.

A.

DRAFT

ENVIRONMENTAL IMPACT REPORT

Two Marinas on the Albion River,

Mendocino County

State Lands Division

W 20241

August 26, 1976

TABLE OF CONTENTS

A

I. Description of Project

The proposed project is an existing set of floating docks for commercial and recreational fishing boats called Schooner's Landing. The purpose of this EIR is to bring this project into compliance with the California Environmental Quality Act by informing the public and all responsible agencies of the impacts involved. This document covers only those facilities constructed and in place as of the cover date.

The report discusses water-oriented facilities at two sites on the Albion River in Mendocino County on the Pacific Coast (see Exhibit 1). The two dockage areas, called "Schooner's Landing", are on opposite sides of the river and are a development of Northern Headlands, a partnership. One (area "A") is located on the south side across from Albion Flat; the other (area "B") is on the north side extending about a half-mile further upstream (see Exhibit 2). Docks and upland facilities of Schooner's Landing are seasonal in nature. In the winter, the movable docks are pulled ashore or stored elsewhere until needed again.

Presently the dockage in place represents the amount used during the summer season. The facilities on the south side (area "A") are grouped together at the bottom of a gulch, which also includes the Mendocino Biological Field Station. These docks constitute approximately 210 feet of dockage on either side of the mudflat. This facility has a gasoline pump installed for boat use. This corresponds in length to the dockage at the same area requested in Corps of Engineers Public Notice 75-10606-03, dated October 20, 1975.

Schooner's Landing on the north bank of the Albion River (area "B") has more extensive upland development, including a bait shop, canoe rental, restaurant and trailer parking area. Docks on this side are located at the bend of the river near the "old boat". They are approximately 280 feet in length. Sections of these docks are stored on shore when not in use. Over 15 boats were using these docks in June, 1976. The amount of dockage at this location, including those docks on shore are approximately the same as the amount requested for this location in the Corps of Engineers permit referred to previously.

Schooner's Landing, started in 1971, is characterized by unplanned development in a rural area that traditionally has not had much planning. Until the last few years there has been little control over development on the Albion River. Unauthorized dredging, filling, and other environmentally damaging activities have resulted from development at Schooner's Landing, although these activities have all been minor in scope. This report discusses the impacts of Schooner's Landing, in addition to serving as a benchmark of maximum permissible development on the Albion estuary, according to a multi-agency agreement. The Corps of Engineers, Fish and Game, Coastal Zone Commission, U. S. Fish and Wildlife, and the State Lands Division have agreed that the Albion estuary should not have any further development than that existing. This agreement fully recognizes that the existing development fulfills an economic need of the region.

II. Environmental Description, Impacts and Mitigation

Impacts and mitigation are included in this section immediately after the related description. This format increases comprehension of the document and avoids repetition of similar material in several sections.

A. Regional Setting

Schooner's Landing is located in the Albion River in Mendocino County in Northern California. The upland buildings are located adjacent to the berthing structures. The project is in a steep river canyon about a half-mile from Albion Cove, a designated harbor of refuge. The area around the site is extremely mountainous and is part of the North Coast Mountain range. This chain of mountains consists primarily of ridges and peaks cut by deeply-incised streams and valleys.

Generally the area experiences winters that are cool (45°-50°F) and rainy (about 40 to 60 inches per year). In the summer, temperatures are slightly higher averaging about 60°F, but still cool. The area is characterized by a predominant westerly wind from the ocean.

Impacts

The marina areas will have no regional impact on the natural or man-made environment.

Mitigation

No Mitigation is required.

B. Geologic and Seismic Environment

This mountainous area is part of the North Coast mountain range. It is a Franciscan formation consisting largely of undivided Cretaceous marine sediments and to a lesser extent has Pleistocene marine and marine terrace deposits. The area has a complex geologic history including geologic activity, plutonic intrusions, and mountain building. The rocks are highly faulted, folded and fractured. Elevations range between sea-level to occasionally over 3,000 feet. The Mendocino Coast streams, of which the Albion River is one, are small streams flowing in a westerly direction through steep canyons to the ocean.

The 1960 Geologic map of California (Ukiah Sheet) shows no known faults in the immediate area of the Albion River or the project. There are, however, several faults located from 15 to 30 miles to the east, north and south of the project area.

Impacts

Schooner's Landing will have no impact on the geology of the area and is not related to any increase of seismic risk.

Mitigation

No mitigation is required.

C. Natural Environment

Mountains abutting the coast near the project area have either maritime pine forest, or grasslands. Grasslands have been partially created by burning, while forest growth in the Albion Canyon is second growth from clearcut logging practices around the turn of the century. This forest region has commercially valuable trees, such as Redwood and Douglas Fir. East of Albion this forest gradually becomes dominated by Redwoods. The canyon of the Albion River has many shrubs and wildflowers common to the region. Much of this growth is dense, represented by red alders, willows, California blackberry, wild rose and various annual plants. In the more open areas, grasses, California poppy, bush lupine, coyote bush, poison oak, and others are common. A complete list would be impractical because of its length.

The lower three miles of the river can be classified as estuary. Estuaries are extremely important habitat for both fish and wildlife. Water quality in the river is generally good as reported by the Regional Water Quality Control Board. The Albion River supports a wide variety of fish species including seven species having commercial or sport fishing value. These include three species of surf perch, two species of smelt, steelhead, and coho. These fish utilize the estuary as a nursery and in turn provide a food supply for such species of birds as grebes, loons, mergansers, belted kingfishers, great blue herons (which maintain a breeding colony on the river) and osprey. A variety of ducks, not limited to mallard, ringnecked, canvasback, common goldeneye, scaup, surf scoter, wood duck, and black grant are dependent upon the food and habitat provided by the waterway. It is possible that a number of endangered birds frequent the Albion area. According to At the Crossroads the American Peregrine Falcon, Southern Bald Eagle, and California Brown Pelican extend along this portion of the coast.

Aquatic vegetation is especially important in the Albion River. An important link in the estuarine food chain are the extensive eelgrass (Zostera) beds extending from Albion Flat upstream for approximately three miles. The eelgrass grows along the submerged portions of the river banks and on parts of the mudflats which are periodically exposed at extremely low tides. The eelgrass beds provide habitat for many invertebrates and small fish which are a food source for the larger fish. In addition, eelgrass is used as a substrate for the attachment of eggs by several species of fish, including those of importance to commercial and sport fish.

1976 → Found on the Albion are several large tracts of salt marsh, a habitat of increasing rarity throughout the State. This habitat is being destroyed or degraded at an alarming rate.

The Albion River salt marsh is among the few remaining in Mendocino County and its productivity like the mudflats, makes it a prime habitat for migrating shorebirds.

The mudflats stretching along both sides of the river are also valuable and rare habitat for the Mendocino Coast. They support large populations of clams, mudworms and other invertebrates utilized as a food source by numerous species of fish and wildlife, including many resident and migratory waterfowl and shorebirds.

Several smaller freshwater marshes and upland meadows adjoin the river upstream. Presently some cattle are grazed on these meadows. They share this habitat with black-tailed deer, bobcat, gray fox, raccoon, striped skunk, mink, and river otter.

State Lands Division has collected information about elements of the Albion River habitat. Conclusions reached show that the river habitat is almost regionally unique in its estuarine value to wildlife and to its contribution to fisheries.

There are no unusual problems of air or noise pollution that might be considered to be in conflict with aesthetics. Ambient levels of air and noise pollution are low. An almost constant westerly wind disperses air pollutants. There are no significant air or noise impacts connected with Schooner's Landing.

Impacts

The docking areas of Schooner's Landing have:

Removed some of the estuarine habitat, such as eelgrass, water area and banks area;

Reduced the nursery area for fish in the Albion River;

Heavy summer use is detrimental to productivity of the river.

Mitigation

Docks will be removed during winter reducing environmental impacts.

No maintenance dredging, fill or waste dumping will be permitted or conducted by inter-agency agreement.

D. Historical and Archaeological

The California History Plan of 1973 indicates that the Albion section of the Mendocino coast experienced all three eras of California history: the Indian, Hispanic, and American eras. The Indian era encompasses both archaeological and ethnographic sites of the central and northern Pomo and their predecessors. Spanish history is represented by the land grants of the 1840's. Substantial development began with American settlement to use new sources of lumber on the north coast.

Indians of this coastal region lived generally between the shoreline and the timber or crest of the first ridge. They subsisted on winter salmon, mussels, surffish, and sealions. The woods were used for hunting deer but the major emphasis was toward bulb and seed gathering in the open areas and near the ocean.

Site records indicate that Mendocino County had widespread Indian habitation from available historical records. However, it appears that little site investigation has occurred in the Albion River area. There are no indications of recorded Indian sites immediately near the mouth of the Albion River. Site records indicate none in the Albion Canyon itself. Early clear-cut logging, landslides, and bank disturbance have undoubtedly effaced evidence of numerous other sites. Several sites have been identified on the North Fork of the Albion River and on the Little River to the north.

Since the project has been completed there will be little chance that future disturbance of archaeological sites or artifacts will take place. If additional development occurs, every effort should be made to salvage artifacts or do site investigations by a qualified archaeologist before further destruction if evidence of these exist within the project areas. It is more probable that historical artifacts from the early lumbering period might be found beneath the bank surface or in the river. If such artifacts are determined to exist in the area, they should be investigated by someone knowledgeable in the early history of the Mendocino Coast.

Impacts

The existing project, which requires little surface disruption should have little, if any, effect on subsurface artifacts or sites.

Mitigation

The project being complete indicates there will be no opportunity to salvage archaeological data.

E. Relationship to Area Planning

The General Plan for Mendocino County (1967) designates Albion as "R-R", Residential, Recreation, and "S-C", Service Center-Rural. The upstream portion of the Albion River is designated as "C-F" Conservation-Forestry. The first two of these land-use zones are appropriate for the project described in this report and cover the two areas in question. Other consideration of the General Plan define Albion Cove as a "harbor of refuge" in accordance with criteria of the Department of Navigation and Ocean Development. The State Lands Commission has designated the Albion River as a significant land in a "Limited Use" category under Public Resources Code 6370. This terminology allows only those uses that are compatible with and non-destructive of environmental values. State Lands has ownership of the submerged lands

of the river up to the ordinary high water mark. All of the existing facility on the water will be within the jurisdiction of the Commission.

The County of Mendocino has approved the upland structures and on-water facilities. In addition, the Coastal Zone Commission has drafted development guidelines for the Albion estuary and has an approved permit for the development. This prior approval agrees in concept with the State Lands Division, Regional Water Quality Control Board, Department of Navigation and Ocean Development, Fish and Game, Corps of Engineers, and the U. S. Fish and Wildlife Service. Upon approval of this environmental document the State Lands Commission will determine whether the use will be compatible with Public Resources Code 6370 and if a lease will be granted for Schooner's Landing.

Impacts

The two existing marinas are compatible with the area plans of all concerned agencies, since requested project changes have been made. No further significant environmental impacts appear possible considering current operating levels.

Mitigation

No mitigation is required.

F. Economic and Social Planning

The mouth and estuary of the Albion River provide a mixture of recreation and commercial fisheries. Recreational uses are primarily concerned with boating, fishing and camping. Commercial fishing areas are located along the Mendocino Coast and many fishermen use the Albion River as a harbor and regular anchorage. Both of these land uses are summer-oriented industries.

Areas adjacent to the river, such as the headlands and forested areas to the east of Albion, support tourism and lumbering. These activities are also seasonal. Tourism promises to increase and have more of an impact on Albion, including the river. A special land use at Albion is the Mendocino Biological Field Station of Pacific Union College. This facility teaches marine biology with students in residence. In the future, this land use will expand from increased interest in this educational field.

The two dock sites of Northern Headlands help to support the commercial and sport fishing industry of Northern California. These activities provide fish for local and regional urban markets, and part-time employment and widespread economic benefits accrue from this use in the form of public fishing and camping. Although economic return from the Albion fishery is only a small fraction of the Pacific Coast fishery output this amount supports many local and regional jobs, in addition to being a regional food source. No social impacts will occur, except as related to local jobs provided directly and indirectly from the Northern Headlands Project.

Impacts

The continued maintenance of these areas as existing will provide jobs for seasonal fishermen and other workers on a regional basis.

Fishing headquartered at Schooner's Landing contributes a small, but regionally source of seafood.

Schooner's Landing provides docking for recreational boating purposes.

Schooner's Landing provides a nominal increase in county tax revenue.

The two marinas have attracted additional commercial and recreational fishing boats to the area.

Mitigation

Mitigation is not feasible. If Schooner's Landing does not receive Commission approval employment opportunities and recreational sites would have to be provided elsewhere.

G. Utilities, Public Services, Recreational and Miscellaneous Considerations

All development discussed in this report are existing and in operation. Considerable changes have also been made in the facilities to make them comply with water quality and other non-polluting environmental practices. Pump-out apparatuses are not required, since all of the on-water facilities are temporary. Past discharges of waste water, dredging and fill have ceased in the Northern Headlands areas, according to Corps of Engineers agreements with the owners. In addition, all waste water discharges are prohibited by the Regional Water Quality Control Board in its policy entitled Water Quality Control Policy for the Enclosed Bays and Estuaries of California.

Schooner's Landing has increased commercial and recreational fishing in the Albion area as well as travel to the area for berthing. Boating is seasonally concentrated in the summer months with almost none during the winter. Demands on public services should be proportionately higher during the summer period due to the influx of tourists and seasonal workers.

Impacts

A small increase in the need for public services during the summer.

Mitigation

No mitigation is feasible, since the facilities were designed to accommodate the increased use during the summer.

III. Alternatives to the Proposed Action

Upland facilities and docks are currently in operation, narrowing the feasibility of alternatives. A no-project alternative would require the removal of all waterborne structures and upland buildings and the return of the landscape to a lesser disturbed condition. Such an action, although favorable to the natural environment, could harm the economic livelihood of those who depend directly or indirectly upon the fishing industry based at the mouth of the Albion River.

Other development alternatives would require the movement of upland structures or docks adjacent to their present location on the Northern Headlands property. In the case of the upland buildings, this would cause additional environmental degradation through grading or construction. Locating the docks in other arrangements or patterns would not create different consequences for the aquatic environment.

IV. The Relationship Between Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

The two existing marina facilities of Northern Headlands have added to the reduction of the aquatic and riparian habitats. Degradation of the aquatic environment has resulted from minor placement of fill, dumping of boat-generated waste, fuel spills, fish cleaning, and the reduction of aquatic habitat by docks. Small portions of the riparian habitat have been subjected to grading and defoliation.

As a result of the above actions, although small in area and done for the purpose of area economic betterment, some reduction in habitat has occurred. This is especially significant in a sensitive area, such as the Albion estuary. Despite this and earlier logging, the estuary of the Albion River remains very productive in its ecosystem and particularly as a fish spawning area. The Albion River estuary and riparian habitat is relatively very small compared to larger rivers. It is therefore more susceptible to environmental damage. All agencies concerned with preservation of the Albion River habitat have expressed the opinion that the river cannot support more development than currently exists. Agencies concurring on this opinion include the Regional Water Quality Control Board, Coastal Zone Commission, Fish and Game, U. S. Fish and Wildlife, and the State Lands Commission.

V. Any Adverse Environmental Effects Which Cannot be Avoided if the Proposal is Implemented

All identifiable environmental effects of a negative nature have occurred since the project is complete. Docks and upland structures have contributed to environmental degradation. This is mitigated to an extent by the seasonal eight-month operation of the marinas and their limited scope. Also all of the docks are removed during the winter months allowing the aquatic habitat to recover in those limited but intensely used areas. Deleterious effects described thus far have included fill in the river, dumping of boat-generated waste, fuel spills, fish cleaning, the

reduction of aquatic habitat, grading, and defoliation. These impacts occurred generally in limited amounts and in some cases were beyond control of the operator of the marinas. Some of this past environmental degradation resulting from the development has occurred because: (1) the existence of prior similar developments on the same location; (2) the relative remoteness from inspection of the Albion area; (3) past temporary approval of existing facilities from commercial fisheries during one season; and (4) local unfamiliarity with environmental requirements of various agencies.

VI. Any Irreversible Environmental Changes which would be Involved in the Proposed Action Should it be Implemented

Substantial primary impacts of a negative nature have resulted from the two marina sites of Northern Headlands. Chief among these are reductions of the aquatic and riparian habitats. Structures on and near the water have acted to degrade the water quality by construction, grading, and poor waste disposal practices. Little resource consumption, however, is related to these developments, because of their limited size and seasonal nature.

Secondary impacts probably include a reduced fisheries output from the Albion River. These facilities, also, tend to create an increased demand for additional support and access facilities. All of the in-water facilities are temporary, which do not limit the future options for the use of that area.

VII. The Growth-Inducing Impact of the Proposed Action

The general region of the Mendocino Coast around the Albion River is sparsely populated. Any marina development on the river would tend to attract tourists and seasonal fishermen. In turn, both of these factors tend to increase the demand for public services. Several facts mitigate these demands. The first is that seasonal demands are not truly growth inducing in the sense of permanent use of the land, and, in this case, the structures are removed from the water during the winter. Secondly, the concerned agencies, listed previously, have tentatively agreed to limit development to that currently existing on the Albion River.

VIII. Energy Considerations

All forms of energy usage connected to the docking areas of Northern Headlands are minimal. It is a small seasonal operation with no unusual or special energy requirements. Virtually all operations are performed during daylight hours. All docks and accessory structures used normal construction methods and materials. Because of the seasonal power consumption it is difficult to arrive at reliable usage figures.

IX. Organizations and Persons Consulted

California Coastal Zone Conservation Commission;
Wayne Woodruff and Bruce Frodge, June 22, 1976 and July 6, 1976.

Department of Navigation and Ocean Development;
Jim Matsueda, July 6, 1976.

Regional Water Quality Control Board;
Ron Church, July 12, 1976.

U. S. Fish and Wildlife Service
Rick Brightenbauck, July 2, 1976.

X. References

At the Crossroads 1974, State of California, Resources Agency, Department of Fish and Game.

California Coastal Zone Conservation Commission. Albion River Development Impacts and Recommendations, Draft Report. March 1976.

California Department of Fish and Game; At the Crossroads. A Report on California's Endangered and Rare Fish and Wildlife.

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STATE OF CALIFORNIA
CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION
NORTH COAST REGIONAL COMMISSION
1656 UNION STREET, ROOM 150
P.O. BOX 4946
EUREKA, CALIFORNIA 95501
(707) 443-1623

EDMUND G. BROWN JR., Governo

FEB 1 2 1976

B.

February 11, 1976

Mr. Hpil Swartzel
Dept. Fish & Game
411 Burgess Drive
Menlo Park, CA 94025

This is a preliminary report containing recommendations for future development along the Albion River estuary.

We would appreciate your agencies comments on these recommendations as soon as possible.

Sincerely yours,

John W. Lahr

JOHN W. LAHR
Executive Director

enclosure

cc: Jack Frazier, Dept. Fish & Game, Yountville
Phil Swartzel, Dept. Fish & Game, Menlo Park
Jim Matsueda, Dept. Navigation and Ocean Development
Rick Brigtenbeck, U.S.Fish & Wildlife Service
Dr. David Joseph, Water Quality Control Board

They support large populations of clams, mudworms and other invertebrates utilized as a food source by numerous species of fish and wildlife including many resident and migratory waterfowl and shore birds.

Also found on the Albion are several large tracts of salt marsh, a habitat of increasing rarity throughout the State where it has been destroyed at an alarming rate. The Albion River salt marsh is one of the best still remaining in Mendocino County and its productivity, like the mudflats, makes it prime habitat for migrating shorebirds.

Several smaller freshwater marshes and upland meadows also adjoin the river but are above the tidal level and are not covered by salt water. At present a few cattle are being grazed on these meadows, while such wild mammalian species as deer, bobcat, gray fox, raccoon, striped skunk, mink, and river otter use these meadows as well as some of the previously mentioned habitats.

The viability of the river as prime fish and wildlife habitat is of course dependent on the amount and type of development in the esturine area. Current use of the estuary by man is concentrated in three areas: Albion Flat on the north side of the river, the gulch and flat on the south side, and upstream development along the north bank. These are detailed below.

II. DEVELOPMENT ALONG NORTH BANK

A. Albion Flat Development Analysis

Access to Albion Flat is via an 18 foot wide paved road down from Highway 1, north of the river. Existing marina development on the flat consists of:

Commercial boat mooring facility - dockage for 12-15 commercial and sport fishing boats in a dredged mooring basin (see map).

Boat repair yard - temporary wooden supports on unpaved ground.

Office, bait and coffee shop - in a 15 x 30' frame building.

Trailer Park and campground, picnic area.

ment "sits lightly on the land" with a minimum of paving or other permanent development. A concrete ramp allows boats to be hauled up for repair work on the flat but repair operations are conducted on temporary wooden supports erected on unpaved ground.

B. Upper River Development Analysis (Puder Property, Schooner's Landing)

Access upriver is via an unpaved road running along the north bank. Existing development consists of:

A canoe rental - bait shop business and adjacent mobile home.

Restaurant building

Two trailer parking areas with nine trailers at present used seasonally.

Upriver floating dock facilities including gasoline pumps for fueling.

The north bank has been graded with some filling of the mudflats to provide road and recreational space. Floating docks overlay the eelgrass beds and the gasoline dock is subject to tipping and inundation of the gasoline tank by tidal action requiring annual dredging.

III. DEVELOPMENT ALONG SOUTH BANK

The community of Albion and scattered housing along Albion Ridge Road are located well above the river and probably have very little impact on the river and very little impact on the river's ecosystems.

The Mendocino Biological Field Station of Pacific Union College is situated along the gulch leading to the river and is reached by an unpaved road from Albion.

Development consists of:

11 Cabins

Laboratory building

A duplex house

A laundry - showerhouse

2 house trailers

should be limited to the existing nine trailers.

7) Gasoline pumps should be removed from the dock facilities on Schooner's Landing and placed landward with a line running to the docks for fueling.

8) The Biological Field Station development and storage facilities should be kept back from the river.

9) No expansion of existing development that would adversely affect the Albion River should be allowed.

10) Dredging and spoils deposition should be based on plans approved annually by the Corps of Engineer and should only occur during outgoing tides to minimize turbidity and adverse effects on spawning fish population.

11) There will be no further filling of the estuary.

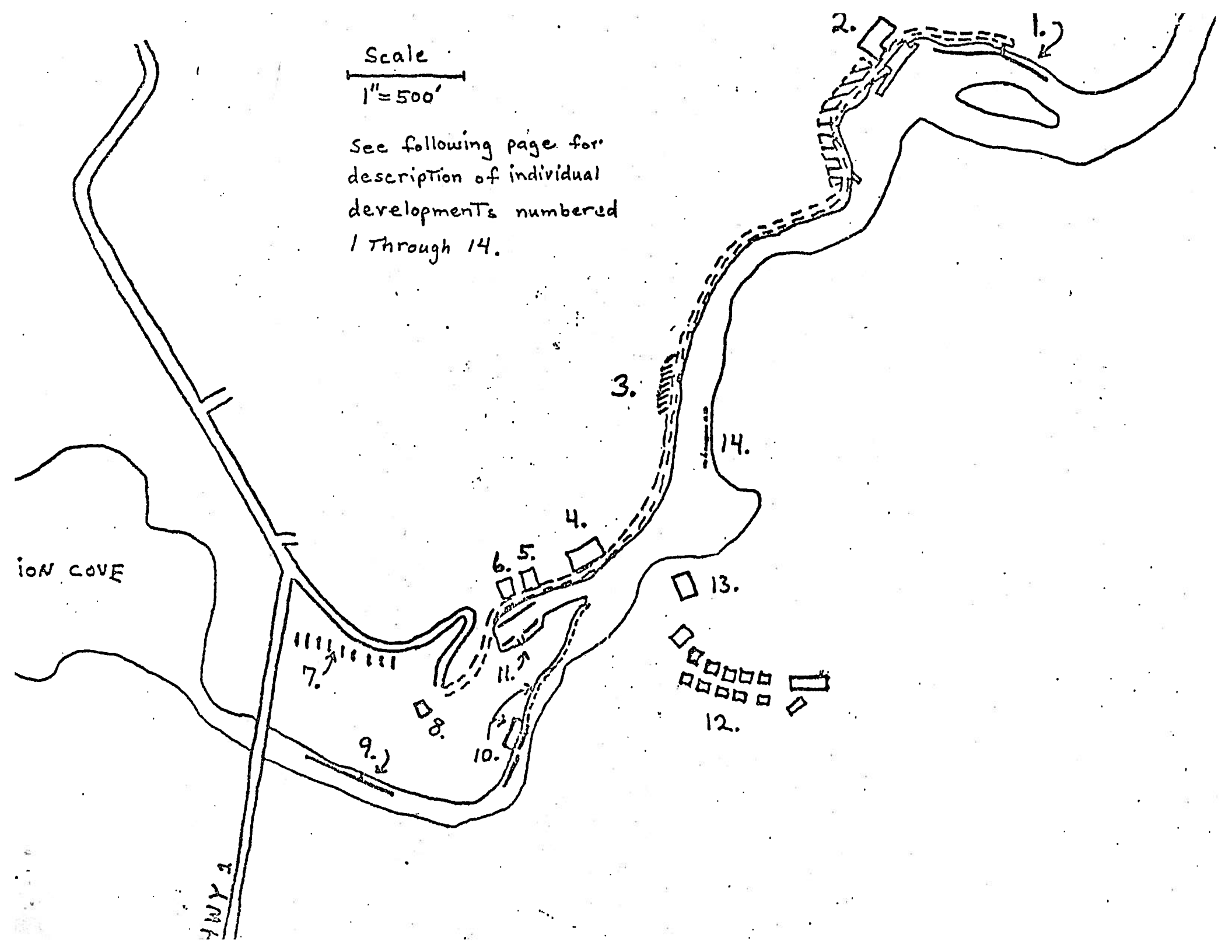
12) Bank alteration or stabilization will be allowed only on approved permit basis.

13) A feasibility study should be conducted by appropriate agencies to determine the possibility of a public launching facility.

14) Additional funding for ecological studies should be made available from the Federal CZM Acts "Plan Implementation Program".

VI. CONCLUSION

The recommendation of this report based on present knowledge is that the Albion River estuarine area - land and water - has reached its carrying capacity in so far as intensive development for recreational and commercial fishing is concerned. Further intensive year round or seasonal expansion of existing facilities will adversely affect the estuarine ecology which should be given first priority of management.


Scale
1"=500'
See following page for description of individual developments numbered 1 Through 14.
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
ION COVE
HWY 1

COASTAL WETLAND SURVEY

Name of Area: Albion River County: Mendocino

Location: ALBION 20, 21, 28, 29 ELK Sec. 14, 15, 22, 23 T. 16N R. 17W Quadrangle: Albion & Elk

Ownership: Private

Field Investigator: Gayle Dana Date of Survey: 2/3/78

HABITAT: Estuary ▨ Lagoon ☐ Coastal Freshwater Pond ☐

Comments: tidal influence - 4-5 miles

PRESENT STATUS:

Water: Marine 46 acres (area under water at mean low tide)

Pond Area: High _____ acres; Low _____ acres

Littoral 100.2 acres (total of marsh and mud flat):

Mud Flat 8.3 acres ZOSTERA BEDS (INCLUDES OPEN MUD AREAS) = 27.8 acres
SANDflats (beach) = 2-6 acres

Marsh 61-5 acres (total of salt, brackish and freshwater):

Salt 40.9 acres. Dominant Species salicornia

Brackish 11 acres. Dominant Species DISTICHLIS, JUNCUS, Carex

Fresh 9.6 acres. Dominant Species TYPHA, LEMNA

Maritime 100 acres

Lagoons: Mouth - Open _____ Closed _____

Do high waters breach the barrier yearly? _____

Every other year or so? _____ Infrequently? _____

Length of time mouth is open following breaching of barrier. _____ days

Riparian: Stream Flow - Intermittent _____ Permanent ✓

Streamside Vegetation 21 acres

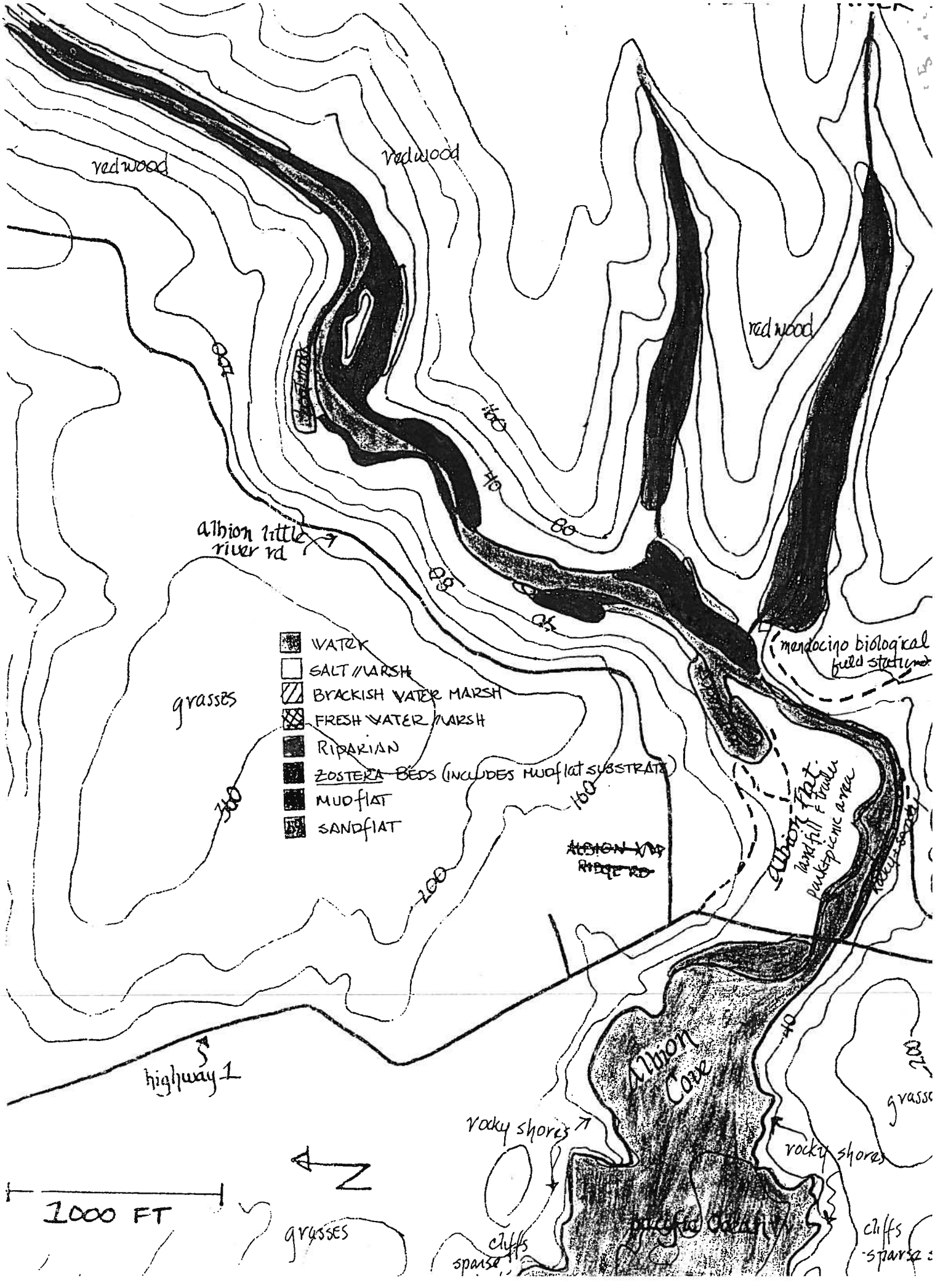
Dominant Vegetation Alnus

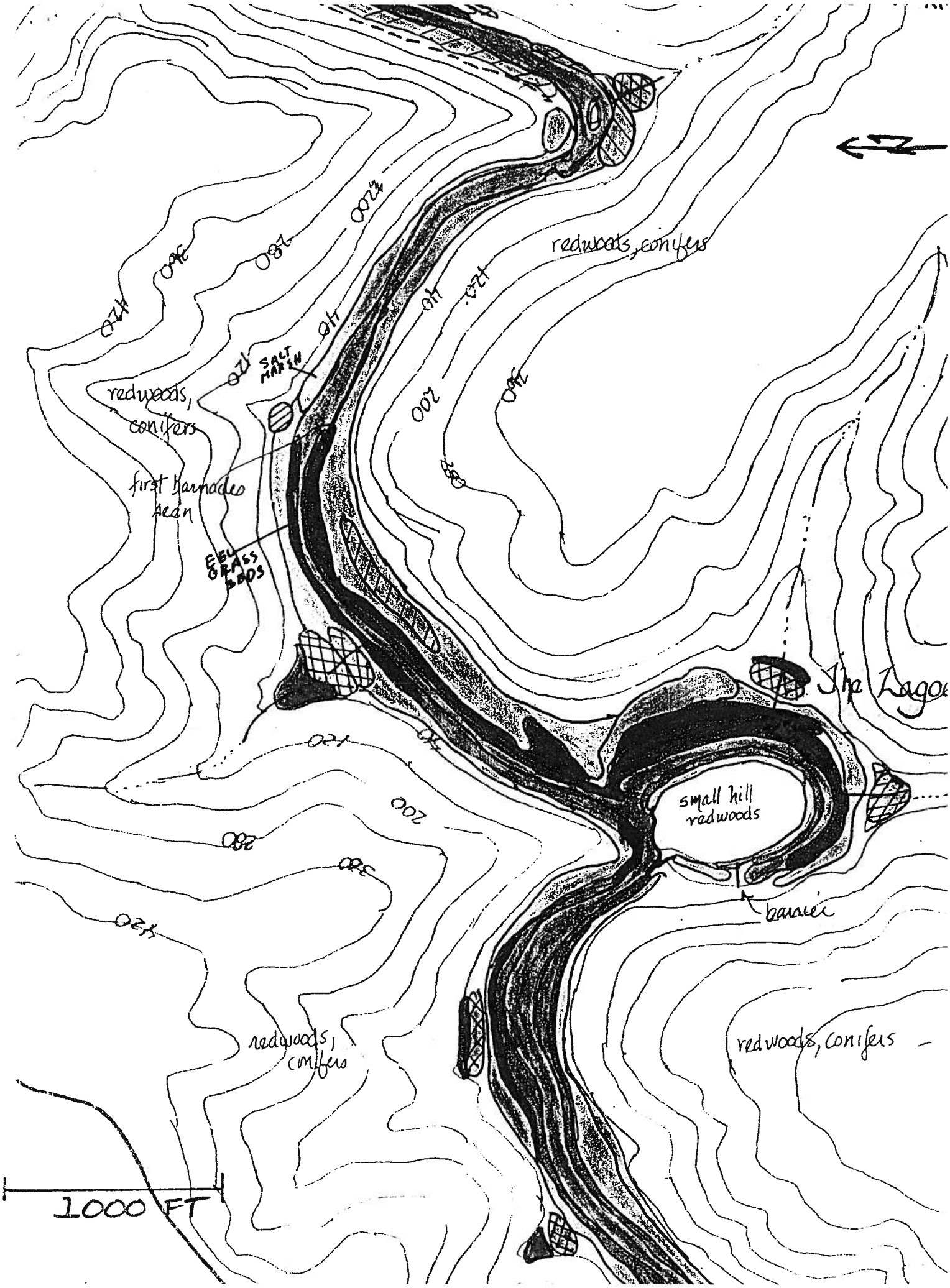
Comments: Important area for Great-blue Heron Rookeries AND ALSO good wintering ground for waterfowl - should be protected in some way.

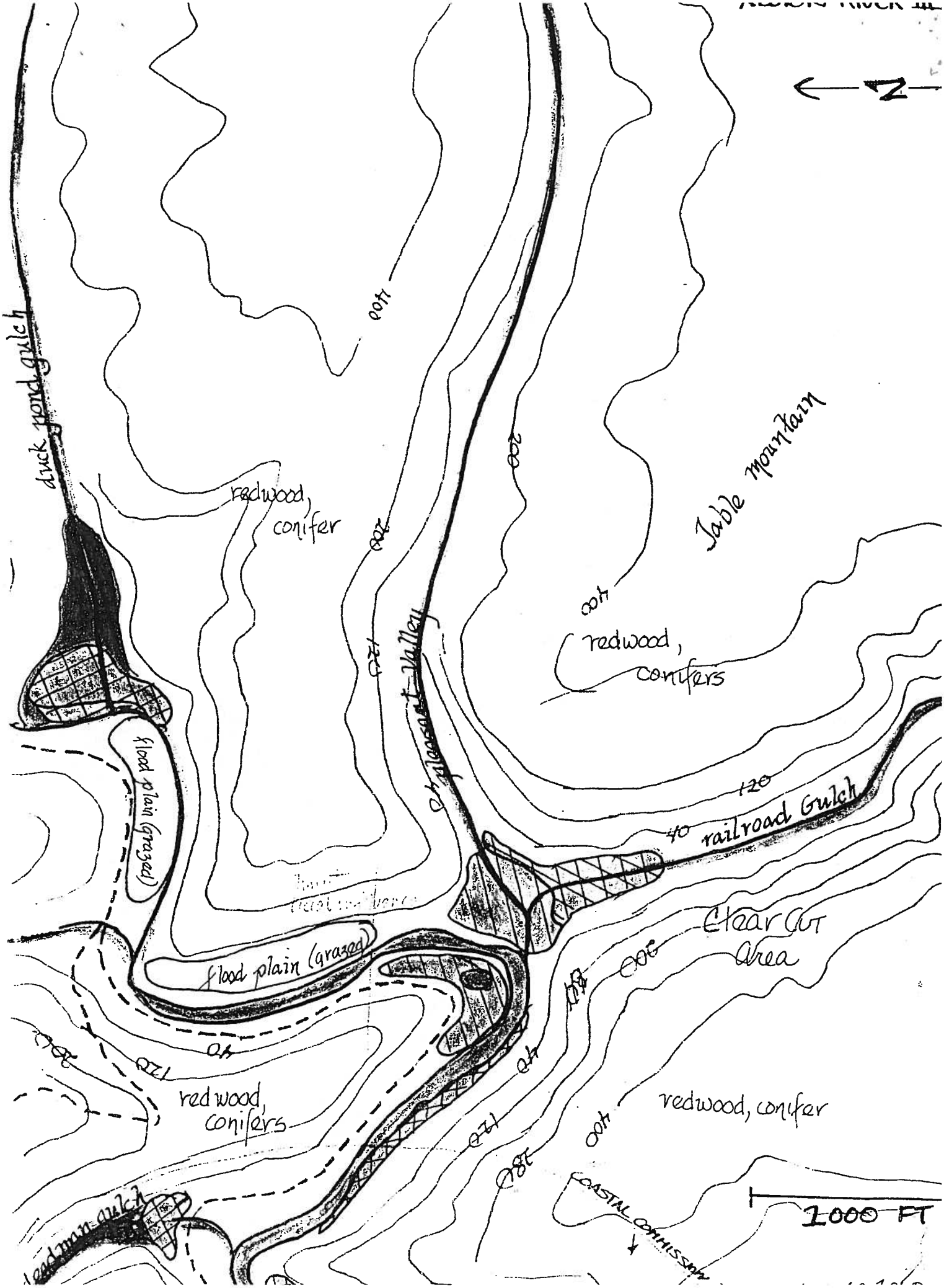
HISTORICAL INFORMATION AND SOURCE OF DATA:

with the construction of the albion flats marina around 11.5 acres of marsh land was filled (according to CDFG ~~&~~ 1969 Coastal wetlands survey)

ACCESS: Navy - Rd on north side of bridge leads down to the marina.
its best for the rest of the river to start upstream & canoe or boat upstream


redwood
redwood
redwood
redwood
albion little river rd
WATER
SALT MARSH
BRACKISH WATER MARSH
FRESH WATER MARSH
RIPARIAN
ZOSTERA BEDS (INCLUDES MUDFLAT SUBSTRATE)
MUDFLAT
SANDFLAT
grasses
mendocino biological field station
albion flat landfill & transfer parkspicnic area
rocky shores
ALBION RIDGE RD
highway 1
albion cove
rocky shores
rocky shores
grasses
cliffs sparse
cliffs -sparse
grasses
1000 FT
N


redwoods, conifers
SALT MARSH
redwoods, conifers
first Barnacles Acan
EEL GRASS BEDS
The Lagoo
small hill redwoods
barrier
redwoods, conifers
redwoods, conifers
1000 FT


N
duck pond gulch
redwood, conifer
Table mountain
redwood, conifers
Pygmy forest Valley
flood plain (grazed)
railroad Gulch
Clear Cut Area
flood plain (grazed)
redwood, conifers
redwood, conifer
COASTAL COMMISSION
1000 FT

Date of Survey: 2/3/78

water birds

SPECIES	ABUNDANCE: Number seen	ABUNDANCE: Number reported	REPORTED BY AND DATE	HABITAT: Open water	HABITAT: Mud flat	HABITAT: Sand flat	HABITAT: Salt marsh	HABITAT: Brackish water marsh	HABITAT: Fresh water marsh	HABITAT: Riparian	HABITAT: Other	ACTIVITY: Resting/Preening	ACTIVITY: Flying	ACTIVITY: Feeding	ACTIVITY: Nesting	REMARKS
Horned Grebe	2			X										X		at mouth/marina
Western Grebe	1			X										X		at mouth/marina
Double-crested cormorant	2												X			near lagoon
Pelagic cormorant	3										pilings	X	X			marina
Great blue Heron	3				X				X				X	X		near lagoon
mallard hybrids	50											X				waddling on Marina picnic
Greater Scaup	5			X										X		marina
Scaup sp.	6			X										X		near lagoon
Common Goldeneye	1			X										X		
Old squaw	1			X										X		at mouth/marina
White winged scoter	1			X										X		with surf scoters
surf scoter	26			X										X		at mouth/marina
duck sp (possibly Goldeneye)	30			X												near lagoon
marsh hawk	1												X	X		near mouth/blu
Killdeer	10				X									X		near laguna
spotted sandpiper	15				X		X							X		many near lagoon
Glaucous winged Gull	1				X						on pilings + eelgrass beds		X	X		many feeding on mu
Herring Gull	15				X								X	X		w/ eelgrass
Mew Gull	1				X								X	X		
Belted Kingfisher	8			X						X			X	X		seen all up and dow river
long-billed marsh wren	1										X					

Albion River

Date of Survey: 2/3/78

SPECIES	ABUNDANCE: Number seen	ABUNDANCE: Number reported	REPORTED BY AND DATE	HABITAT: Open water	HABITAT: Mud flat	HABITAT: Sand flat	HABITAT: Salt marsh	HABITAT: Brackish water marsh	HABITAT: Fresh water marsh	HABITAT: Riparian	HABITAT: Other	ACTIVITY: Resting/Preening	ACTIVITY: Flying	ACTIVITY: Feeding	ACTIVITY: Nesting	REMARKS
land birds																
Turkey Vulture																
Red-tailed Hawk																
Kestral																
common flicker																
Black Phoebe																
Scrub Jay																
Ruby-crowned Kinglet																
Common Raven																
Pine Siskin																
Lesser Goldfinch																
Song Sparrow																
Mammals																
River Otter	3															2 miles upriver
Harbor Seal	1															just outside mouth of river.

Albion River

Physiography:

The Albion river has a gorge like quality from the point it enters the river. (as witnessed by looking straight down from the BRIDGE-hiway 1- to the river). It is a very steep river valley with small areas that broaden into flood plains and marshes.

Dominating the first 1/2 mile is albion flats and its associates: a broad, land filled area teeming with Trailers, campers and boats in the spring and summer. Along here are small strips of sand & rock and retain walls. Here there is very little marsh lands, but, begin at the 1/2 mile mark the start of albions extensive Zostera beds begin. They stretch up river almost continuously for almost 4 miles with the greatest amounts seen around 3/4 miles upriver and at the Lagoon. Mixed in the Zostera beds and sometimes fronting them are mudflats.

There is never developed along the albion great expanses of Salicornia marshes, instead there is always a continuous strip up to 4 or 5 miles. Interspersed along this stretch of salt marsh are small freshwater Typha marshes wherever a spring or creek enters the river.

Giving the albion a unique shape on maps is the ox-bow lagoon at 3 miles upriver. Salt marsh, zostera and mudflat lines this shallow lagoon. This is one of the more important areas on the river for wildlife. At around 4 miles are semi broad flood plains, and few brackish and fresh water marshes. Above here the river is a dense tangle of willow and brambles at the river bottom. Except for at the very mouth of the river where there are bluffs & cliffs, the surrounding country is Redwood dominated coniferous forest.

Albion River

Resources:

an important area for wildlife, the lagoon (≈ 3 miles upriver) provides shallow protected waters for wading birds & dabbling ducks, mudflat habitat for shorebirds and extensive Zostera beds for feeding grounds. At least 5 nests (great blue heron) have been reported last year (1977). Just above the lagoon in the mudflat lining the broadest salicornia marsh are a tube dwelling amphipod and a small shrimp like crustacean, both in great numbers, providing a potential food source for certain species.

Additionally, the Zostera beds lining a good portion of the river were found to be the site where many spotters and pipers and Gulls were feeding.

At the mouth of the river within the confines of the marina & harbor were found the greatest concentration of diving ducks such as scoters, scaups and grebes. Outside the harbor not very far a harbor seal was noted resting on some rocks.

We were fortunate to see a family of 3 river otter just 2 miles upriver, resting on a log. I would speculate that in the albion, as well as Big River there are more of these protected furbearers.

Importance to nesting species:

Osprey ① 1977 active nest in live douglas fir.
Elk Quad - R17W, T16N, E½ Sec 22.
(Lagoon vicinity)

Great Blue Heron

① 1977 - young present in live douglas fir
Elk Quad - R17W, T16N, SW¼, Sec 14
② 1977 young present in live douglas fir
Elk Quad R17W, T16N, Sec 22
③ 1977 - young present in live douglas fir
Elk Quad R17W, T16N, Sec. 22
④ 1977 - young present in live douglas fir
Elk Quad - R17W, T16N Sec 22
⑤ 1977 - young present in live redwood
Elk Quad R17W, T16N Sec 22.

Albion River

Ownership:

Two miles upriver is the start of Masonite Corporation Lands (Logging Co.). They own land on both sides of the river.

A clear cut was seen at railroad gulch.

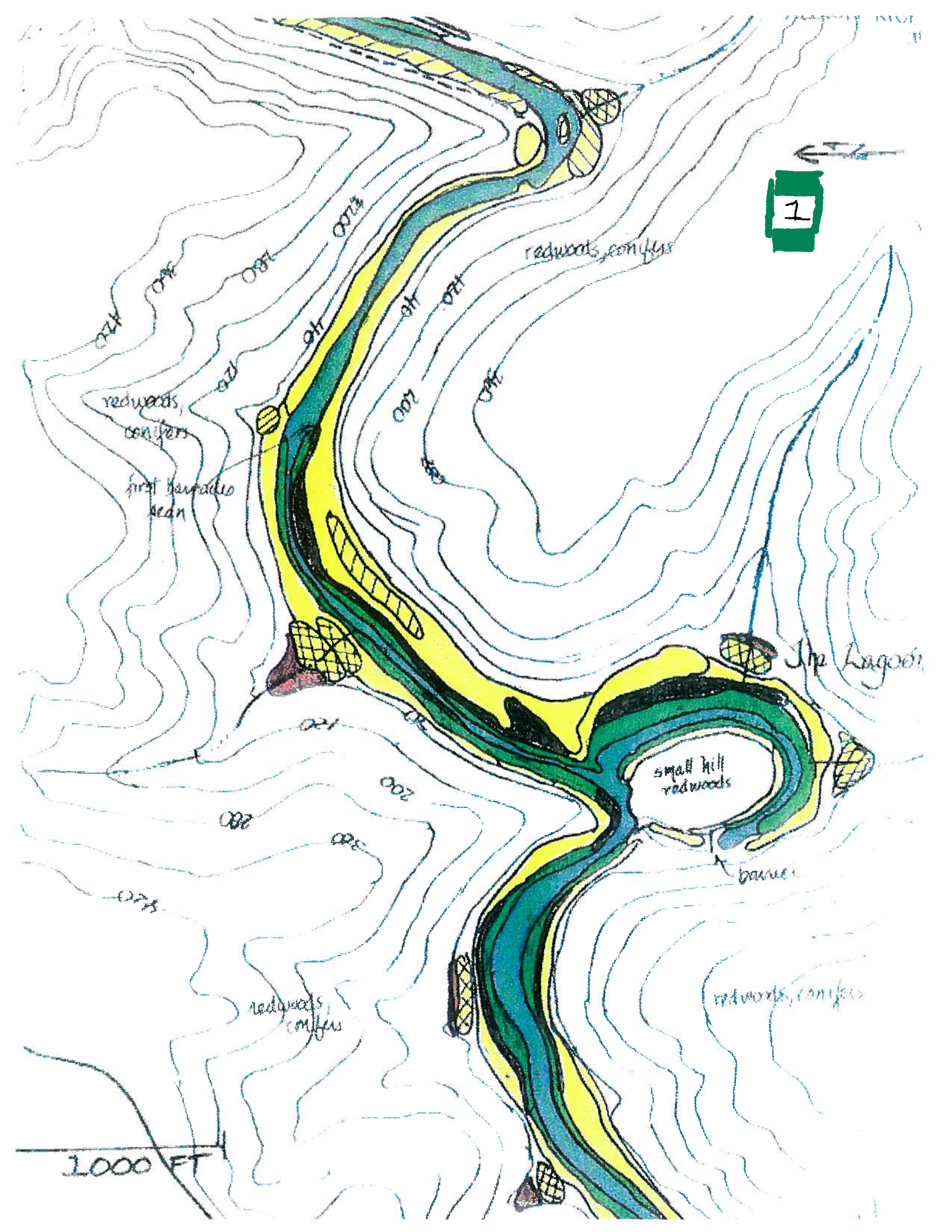
Proximity to Urban + rural dwellings; Industry Agriculture.

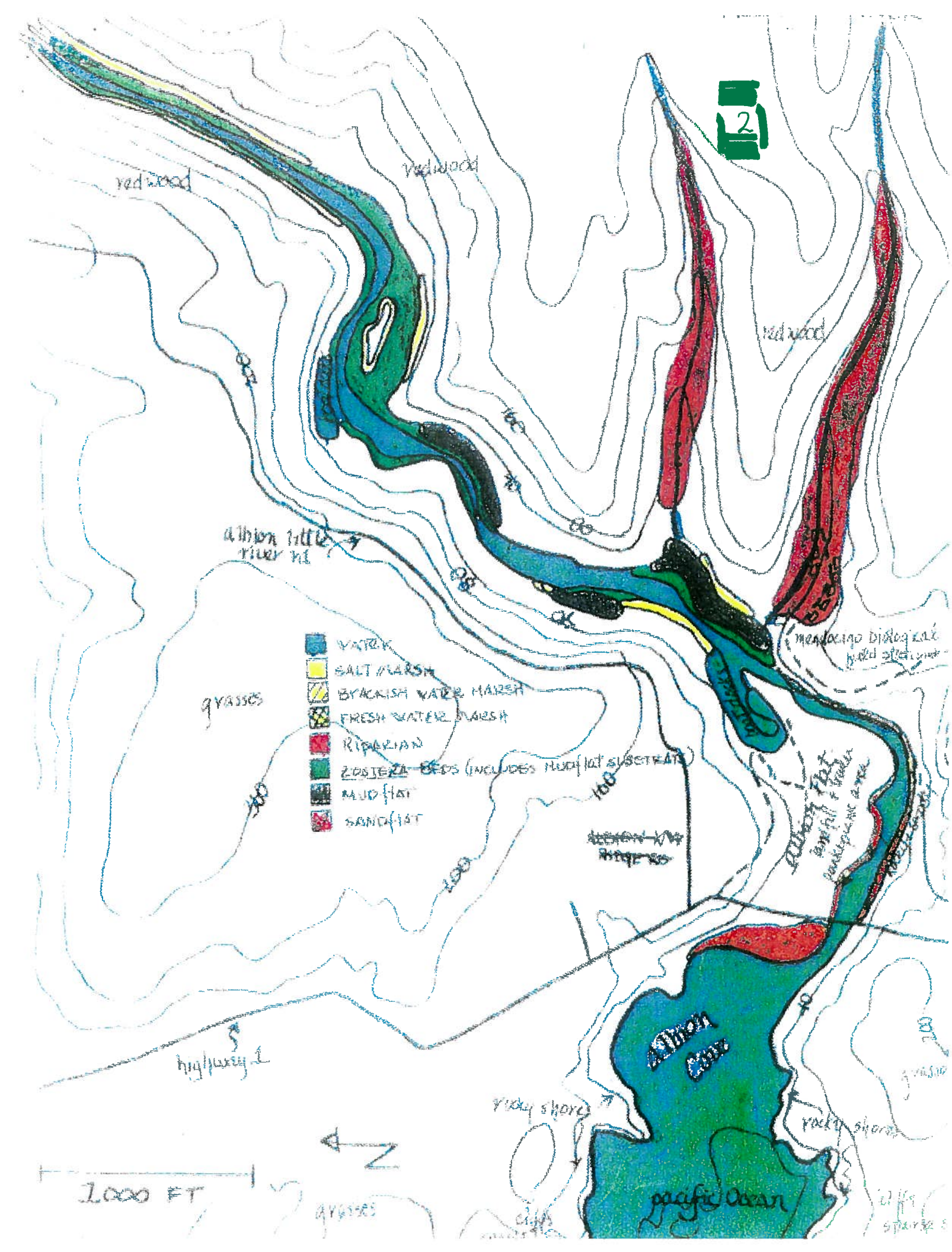
The very small town of Albion ~~lives~~ lines the south bluffs of the river. Aside from the Albion flats there is not much in the way of developement. Mendocino is just 7 miles north on highway.

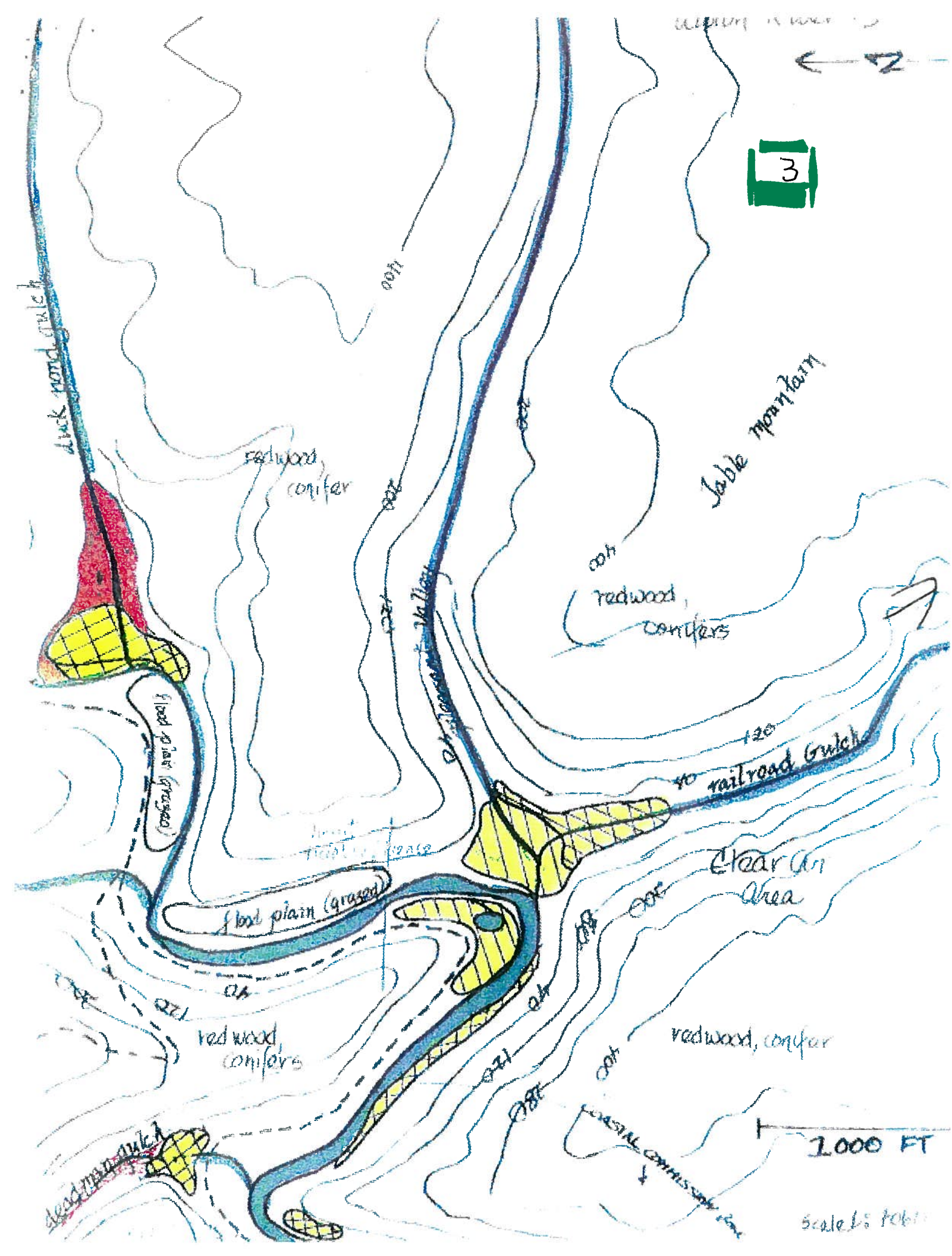
There is some cattle grazing and, as was mentioned before, logging activities.

In the summer I would guess that many boaters go upriver.

There is a Biological field station on the south shore near the mouth run by Angwin Junior College (near St. Helena). I was unable to contact anyone when I was there, but I was told that they keep records of biological data. They would be good people to contact since I think the station has been there for a while.


1
redwoods, conifers
redwoods, conifers
first terrace bean
the Lagoon
small hill redwoods
redwoods, conifers
redwoods, conifers
1000 FT


redwood
redwood
redwood
redwood
albion hill
river rd
WATER
SALT MARSH
BRACKISH WATER MARSH
FRESH WATER MARSH
RIPARIAN
ZOSTERA BEDS (INCLUDES mudflat subsetrate)
MUD FLAT
SAND FLAT
grasses
highway 1
Albion River
rocky shore
rocky shore
pacific ocean
1000 FT
N
grasses


3
dark mondo gulch
redwood, conifer
Jobe mountain
redwood, conifers
to railroad Gulch
flood plain (grassy)
flood plain (grassy)
Clear Cut Area
redwood conifers
redwood, conifer
1000 FT

wp Botanical Surveys
-GORDON E. McBRIDE, Ph.D.

C.

DATE: July 9, 1993

To: California Coastal Commission
North Coast Area
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

From: Gordon E. McBride, PhD
30301 Sherwood Road
Fort Bragg, CA 95437
707 964 2922

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages ▶ 8

To Pete Calvas	From Erika Hoffman
Dept./Agency DF&G	Phone # 415-744-1977
Fax # 707-964-0642	Fax # 415-744-1075

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

Re: BOTANICAL SURVEY OF LOWER ALBION ESTUARY AND ADJACENT BANKS FOR A PROPOSED COASTAL DEVELOPMENT PERMIT FOR DREDGING OPERATIONS TO DEEPEN CHANNEL UNDER EXISTING DOCK AND CONSTRUCTION OF A RETAINING WALL TO PREVENT ADDITIONAL BANK DESTABILIZATION IN THE LOWER ESTUARY OF ALBION RIVER (AP# 123-170-01, SETO).

1. PROJECT DESCRIPTION: The proposed Coastal Development Permit would allow (1) the dredging of the lower channel (see map for detail of area to be dredged) to make existing dock space usable and (2) construct a retaining wall that would prevent additional bank erosion and destabilization. There is a marina, trailer park, office space, outbuildings, septic field and well present on the 9.75+- acre site.

2. AREA DESCRIPTION: The site is on the lower Albion estuary and flood plain. The concrete retaining wall is to be constructed approximately two feet in from the existing bank of the terrestrial portion of the flood plain. It would be three to five feet deep. The proposed retaining wall would limit further erosion when the existing bank between it and the river is eroded by high water associated with winter storm runoff.

   The flood plain on the site has been subject to accumulated years of human impact. Prior to the existing marina the site supported a mill and a variety of other human activities.

   The flood plain in the vicinity of the proposed concrete retaining wall is vegetated by a variety of weedy species such as: Dock (Rumex crispus), Perennial Rye Grass (Lolium perenne), Sow Thistle (Sonchus oleracea), Barley (Hordeum sp.), Yellow Clover (Trifolium dubium), Wild Radish (Raphanus sativa), Wild Oat (Avena fatua), Velvet Grass (Holcus lanatus), Plantain (Plantago lanceolata), Ripgut Grass (Bromus rigidus), Birdsfoot Trefoil (Lotus corniculatus), Fescue (Festuca idahoensis) and associated plant species. While this

Two questions need to be addressed regarding the impact of the proposed dredging on the Eel Grass populations of the estuary proper in the vicinity of the docks and the area under the docks in the mooring basin.

The first is: "would the impact to the proposed Eel Grass beds by dredging be counterbalanced by the overriding public good derived from greater docking facilities, ocean access and recreation potential"? In my opinion the answer is clearly in the affirmative, for the following reasons: (1) The most outstanding reason is because the lower Albion River including the subject site suffers from bank erosion, consequent shallowing of the river channel as well as loss of riparian habitat. This leads to increased water temperatures and generally deteriorated habitat for anadramous salmonids, which are in record low numbers. (2) Ocean access for recreational boaters, sport salmon fishermen, bottom fishermen, whale watchers and abalone divers is very limited on the northern Mendocino coast. (3) Safe and reasonable docking and processing facilities for commercial urchin harvesters is limited to several of the large harbors, making access to harvestable urchin populations dependant on long boat runs in an ocean noted for its capacity to become dangerous in very short periods of time. (4) Commercial salmon trolling will eventually be reestablished in the waters off northern Mendocino County and more safe harbors are needed that could provide docking, processing facilities and storm refuge for salmon trolling vessels. The Albion River estuary clearly has potential for providing additional facilities for all three needs and in the same process, improve the habitat for anadramous salmonids.

The second question is: "would the small Eel Grass beds that would be lost reestablish themselves, and if not, what measures may be necessary to mitigate that loss?" It is likely, considering the proponderance of evidence offered by a cursory consideration of the history of human impact on the lower Albion esturary, that the Eel Grass beds would reestablish themselves in the dredged areas once the bottom stabilized itself. The Eel Grass population thrives in the Albion in spite of a history of severe impacts from early logging, loss of riparian habitat and bank destabilization. Upstream from the proposed dredging there are large populations of Eel Grass and the regular flushing of water back and forth by tides in the river would undoubtedly introduce both seeds and rhizomes of Eel Grass into the dredged area naturally, where it should colonize. Based on observations of Eel Grass populations growing luxuriently under docks upstream of the site, the deepened water and the shade provided by refloating the existing docks would probably enhance the habitat for Eel Grass.

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Plant Communities of California. California Department of Fish and Game, Sacramento

Mason, H.G. 1959. A Flora of the Marshes of California Univ. of California Press, Berkeley

Munz, P.A. and D. D. Keck. 1959. A California Flora Univ. of California Press, Berkeley.

Smith, J.P. & K. Berg. 1988. Inventory of Rare and Endangered Vascular Plants of California. Ed. 4 California Native Plant Society, Sacramento

Botanical Surveys
GORDON E. McBRIDE, Ph.D.

August 23, 1993

Mr. Robert Merrill
Coastal Planner
California Coastal Commission
North Coast Area
45 Fremont Street, Suite 200
San Francisco, CA 94105-2219

Dear Mr. Merrill:

This in response to your letter of July 29, 1993 to Mr. William Carp regarding Coastal Development Permit Application No. 1-93-35: Dredging of Area Around Albion Flat, Albion, Mendocino County, and addresses your request for additional botanical information.

Item A: A map of Eel Grass populations is enclosed.

Item B: Quantification of Eel Grass poses a major problem of interpetation. If you are requesting to know the number of individual Eel Grass plants in each population (absolute quantification) it will be necessary to carefully dig up each rhizome in the population and enumerate it. In plants with a subterranian rhizome the concept of an individual is a hazy one because one rhizome may grow for several yards and put up numerous aerial branches. When one rhizome breaks into two living rhizomes then one individual becomes two; each with few to many vertical branches. In order to comply with your request as I understand it I would have to dig up, and thereby destroy, the total Eel Grass population in the area of concern. If that is indeed what you are requesting then please send me a written authorization to destroy the Eel Grass populations to provide you with a number.

In my opinion it would serve the same purpose to consider each clump of Eel Grass a population - it is a much more functional and practical concept in situations like this. If this is acceptable to you, the map referenced in "A" will provide you with the necessary information.

If, perchance, you are asking about relative, rather than absolute, quantification in terms of the population of Eel Grass in the lower Albion, I should like to point out that the populations shown on the map that would be compromised by the dredging are orders of magnitude smaller than the large shallow tidal flats, upstream. These support hundreds if not thousands of square meters of Eel Grass. These populations are enormous,

30301 Sherwood Road, Fort Bragg, CA 95437 (707) 964-2922

very real, as I stated in the previous paragraph, that not only will the Eel Grass regenerate, but it may very well grow much more luxuriently than it is presently doing in the shallow water proposed for dredging.

Writing an alternative mitigation plan that incorporates planting Eel Grass in some other location in the river is riddled with legal and ecological problems. Legally, access to sites (if any indeed exist) where Eel Grass is not presently growing may not be available. Great cooperative spirit does not exist in the Albion community, and another landowner may deny access to a suitable site just for spite. Ecologically, for openers, Eel Grass probably is growing in every place where there is suitable habitat in the lower Albion. To plant Eel Grass in a 2 to 1 ratio in locations where it will probably die is an exercise in futility and an unnecessary expense. Moreover, to obtain Eel Grass to plant in quantities to satisfy a 2 to 1 ratio one would have to dig it up in large quantities from places where it is prospering and place it where it may very well not survive. This on the face of it would be probably be in violation of the intent, if not the letter of the Fish and Game Code that protects Eel Grass.

It makes far more sense to allow natural regeneration of Eel Grass to have a chance to reestablish the populations that would be compromised by the dredging for at least one year, then evaluate the progress. If natural regneration has not occurred, then some Eel Grass can be artificially reintroduced by transfering rhizomes from another established location. It may take several years for natural populations of Eel Grass to reestalbish. Instant gratification is not a significant component of ecological succession!

It think it is very critical for lead agencies to take a wholistic view of the proposed project. As stated in the original report the lower Albion is degraded. There are many factors involved, many of them beyond the power of the landowner to deal with. Bank insability and channel depth can, however, be addressed by the proposed project. A deeper river with stable banks would enhance the salmonid habitat, improve ocean access for both recreational and commerecial purposes, provide a needed refuge from storms and contribute to the economy of the North Coast. It would be an important first step in improving the biological health of the Albion River.

Please do not hesitate to contact me if I can be of further service.

Sincerely,

Gordon E. McBride, PhD

* see 1993 Tide Log - Northern California
National Ocean Service, U. S. Department of Commerce
National Oceanographic Atmospheric Assn.

Jameson / estuary

D.

State of California The Resources Agency

M E M O R A N D U M

To: ALBION FILE

Date: February 13, 1991
Ref: IMG-2-13

From: Department of Forestry and Fire Protection
Marc Jameson

Subject: ALBION RIVER ESTUARY

On February 7, Ted Wooster (DFG) and I boated up the Albion estuary to examine its condition and resources. The water was mildly turbid following rainfall over the weekend.

We examined the banks, the timbered slopes, and the estuary waters. The banks were fully vegetated above the high tide line. No active slides were observed, except one location where a single tree had fallen with its root wad sliding about 20 feet. A video tape of the estuary was recorded and was placed in file for reference.

The slopes were timbered throughout, with a continuous stand of second growth redwood, Douglas fir, grand fir, and hemlock. Tanoak, madrone, alder, bay, willow and nutmeg were also present. Residual old growth trees are very scattered, most being cut during the original logging or removed during subsequent selective harvests. Many of the stands adjacent to the estuary have been thinned since 1950, but obvious logging evidence is not apparent. There is still abundant evidence of the Albion Lumber Company's activities prior to 1940. A railroad grade and old piling can be seen along the length of the estuary. The grade is overgrown on the south side. On the north side, it has been converted to a truck road in the vicinity of Deadman Gulch. Acorn barnacles are prevalent on the piling and woody debris.

The railroad era resulted in long-term changes in the estuary. In particular, the Albion Lagoon was separated from the river by a dike constructed to serve as a railroad grade. The dike has been broken at each entrance to the lagoon, but it still obstructs river and tidal flow to and from the lagoon.

The Albion River estuary contains vast beds of eel grass. A large number of wildlife species were observed. These include the following:

great blue heron
belted king fisher
merganser, common and American
red tail hawks
western grebes
river otters
loon (SP)
turkey vulture
sanderling
cormorant
osprey
robin
varied thrush
gull
raven
duck clams
eastern softshell clams
ducks (SP)
egret (SP)

Grass covered silt flats occur adjacent to the river. These deposits become deeper and wider as they progress upstream. The edges appear to be receding, but this may be due to tidal action. Roots have stabilized the deposits.

Overall, the estuary is highly scenic, with the exception of human activity in the lower half mile. The channel bottom is not heavily silted, and the banks are well vegetated. The estuary appears to be a very stable and productive area. The vast eel grass and clam beds indicate that the system continues to be healthy.

WILLIAM T. IMBODEN
Chief, Region I

By: Marc J. Jameson
Staff Forester

ndr

E.

Coastal Element Policies: Albion

4.9-1 The Albion community north of the bridge shall be designated Rural Village.

The Albion community at the south end of the bridge shall be designated Rural Village. Retail establishments shall be limited in type and size; new stores shall be located only in the areas designated commercial.

4.9-2 In order to maintain the special community character, building permits shall require that building materials, color and architectural forms of new structures exposed to public view be similar to those existing buildings. Existing buildings shall not be remodeled in a manner that would detract from their historic character.

Albion Harbor - North and South

Albion harbor-north and south is the harbor for about 100 full-time commercial boats. The shallow harbor entrance limits boat size and requires entry and exit at high tide. Two small fish wholesalers operate on the flat. Full time boats concentrate on sea urchins and bottom fish in winter and salmon in summer. Facilities are minimal, and currently there is no assured public access to the water, even for a fee. Dredging, paved access, and slips with electricity and water are needed, but commercial fishers are concerned that improvements could result in commercial boats being forced out by pleasure boats.

Albion Flats and Harbor

The Albion Flats and Harbor area is the port for the Albion Fishing community. The land is privately owned. The public has had traditional access to the beach, ocean, river and up river by road to the estuary, but access is presently a problem and is often blocked.

The existing use consists of boat launching, fishing, diving, docks, residential trailers, a small store and gas pump, sanitary facilities and showers, fee parking, a boat barn and a few small dwellings formerly housing a restaurant, now a canoe rental and seasonal camping. There are year round boats (approximately 100), that fish out of Albion, with a sizeable increase in the summer. The only access from Highway 1 to the north side, to the flats, is a steep narrow road. There is a limited access further upriver on the south side to the Mendocino Biological Field Station road through Albion Village. There is currently access via privately owned road "D" to the south side of Albion River which is not maintained. The Planning Commission would recommend that this potential access be maintained.

The Coastal Commission, U.S. Fish and Wildlife, California Fish and Game in their report "Albion River Development-Impacts and Recommendations" states that "...The Albion River estuarine area-land and water-has reached its carrying capacity insofar as intensive development will adversely affect the ecological aspects which should be given first priority of management." The physical constraints on development are also addressed in Mendocino County Planning

Department's report on proposed use permit U 84-77 of September 2, 1977, by planner Charles Hudson. These constraints still exist.

Coastal Element Policies: Albion Flat

4.9-3 Any development in the Albion Flats fishing village shall currently be limited to uses directly related to the fishing, boating, boat building and diving occupations and the support systems required to maintain them. An Albion Harbor District or Commission should be established by the County to coordinate all land and water uses within the area designated Fishing Village and Albion Cove on the Land Use Plan, including the flats, the river and the ocean beach. See also Policy 4.9-6 and Policy 3.10-1.

4.9-4 Due to their negative impacts, off-road vehicles shall be prohibited from the Albion Beach.

4.9-5 Only one narrow access road exists now on the north side which could be blocked by accident. The old Highway 1 access on the south side should be reopened as the emergency evacuation road.

The County shall encourage the provision of adequate public transit and adequate streets and roads to regional harbors.

Designated Access Points, Trails, and Recreation Areas

Policies for all access points, trails, and recreation areas are in Sections 3.6 and 3.7. Policies specific to locations in this planning area are listed below in geographic order from north to south. Each access point (other than fee access where designated) will need to be acquired by acceptance of an offer of dedication or by purchase by an appropriate public agency or private organization as described in Section 3.6.

Albion-Little River Inland Trail

Location: County Road 403 transverses northeasterly from Highway 1 at Albion to Little River - Airport Road (County Road 404).

Existing Development: Pedestrian, bicycle, and equestrian use; designated by County Trails Plan.

Albion Harbor Area

Location: North shore of Albion River at terminus of County Road 403A (Albion River North Side Road).

Ownership: Private.

Comments on Marine Life Protection Act Initiative

Regional Profile of the North Coast Study Region

Submitted by the InterTribal Sinkyone Wilderness Council

April 19, 2010

The InterTribal Sinkyone Wilderness Council submits these comments on the Regional Profile of the North Coast Study Region, second printed edition dated February 19, 2010. The Council has prepared and submitted an InterTribal Sinkyone Profile that will be available on-line as part of the California Tribes and Tribal Communities Appendix to the MLPA Regional Profile of the North Coast Study Region. The Council's representatives plan to attend and present oral testimony at the Blue Ribbon Task Force meeting on May 3-4 at the Elk Valley Rancheria.

Comments on Section 5.2.1: Terminology

This section wrongly suggests that there is a legal distinction between a Reservation and a Rancheria with regard to the powers of self-government exercised by a Tribe that owns the land. There is no such distinction under state or federal law. Tribes owning and governing Rancherias are entitled to the all of the rights and benefits bestowed by federal law on Tribes owning and governing Reservations. *See, e.g., Middletown Rancheria of Pomo Indians v. Workers Compensation Appeals Board,* 60 Cal.App.4th 1340, 71 Cal.Rptr.2d 105 (Court of Appeal, First District 1998) (Workers Compensation Appeals Board does not have jurisdiction over Tribe and Rancheria lands, which are held in trust for the Tribe by the United States). To say that Rancherias are "collectives of Indian families" and "cultural groupings" may create the erroneous impression that they lack the same political and legal status as Tribes owning and governing Reservations.

Comments on Section 5.2.2: Historical Perspective

This section wrongly states that 40 California Indian Tribes or Rancherias were terminated under the provisions of Public Law 280. In fact, 41 Tribes were terminated under the provisions of a special act entitled the California Rancheria Act of 1958, Public Law 85-671, 72 Stat. 619. *See, Hardwick v. United States,* 2006 WL 3533029 (N.D. Cal. 2006).

This section does not fully and accurately convey the profound suffering and loss experienced by Tribes on the North Coast as a result of the colonization and invasion by miners and settlers in the mid-nineteenth century. Although the narrative has the basic facts correct as broad generalizations of history, it does not fully communicate the devastation suffered by these Tribes, nor the decades of struggle to overcome the problems the settler invasion caused. The term genocide can be an overused word, but it is particularly apt in describing the experience of Indian peoples during this early period.

Comments on Section 5.2.4: Native American Resource Use

This section omits one of the most significant aspects of present-day Tribal use of marine and coastal resources. From the Tribes' perspective, their members are exercising retained aboriginal rights when they gather or harvest resources from areas within the study region. There is strong support for this belief in federal law. When Tribal members use the marine and coastal areas, they are exercising federally-protected aboriginal rights that have never been given up. The doctrine of aboriginal rights has been part of federal law since 1823. *Johnson v. McIntosh,* 21 U.S. (8 Wheat.) 543 (1823). It is based on the idea that long, continuous and uninterrupted use of land and water by Native American people gives rise to rights that states and the federal government cannot violate. Aboriginal rights include the right to hunt, fish and gather in traditional and customary use areas. The doctrine also recognizes the right to use these areas for ceremonial and religious purposes. The exercise of these rights is important for food, ceremony, clothing and shelter. Tribes are generally not limited in the methods by which such rights may be exercised.

The Tribes in the North Coast Region have unextinguished aboriginal rights to use the three-mile seaward zone that is the subject of the MLPA. Aboriginal rights arise from long and continuous use of land, water and resources. *See, e.g., United States v. Michigan,* 471 F. Supp. 192, 256 (W.D. Mich. 1979). The historical record and the oral history of the Tribes confirm that aboriginal and current Tribal use of land and waters in the North Coast Region satisfies this standard.

The law is clear that aboriginal title to land includes hunting, fishing and gathering rights. *State v. Coffee*, 556 P.2d 1185, 1188 (Idaho 1976). But such rights may also exist independent of land title. Aboriginal rights belong to both the Tribe as a whole, and to individual Tribal members who can show continuous use for a long time. *United States v. Dann,* 470 U.S. 39 (1985). Aboriginal use rights continue to be enforceable until they are voluntarily conveyed to the United States, abandoned or expressly extinguished by federal statute. *United States v. Santa Fe Pac. R.R. Co.,* 314 U.S. 339, 347 (1941).

The aboriginal rights at issue here have not been relinquished, abandoned or extinguished. None of the Tribes has voluntarily given up or abandoned those rights. There is no federal statute that explicitly or by implication extinguishes aboriginal rights to use the area subject to the MLPA. Although there has been considerable litigation in California concerning aboriginal rights, none of those cases is authority for finding extinguishment under these circumstances. For example, some have said that the California Land Claims Act of 1851 extinguished aboriginal titles in the State because Tribes did not submit their land claims within the five-year period provided in that act. That statute is inapplicable here, however, because it covered only claims to so-called fee ownership derived from Mexican land grants. In any event, the 1851 Act could have extinguished land titles only as of the date of the act; aboriginal titles have arisen in the decades following the 1851 Act by virtue of the same period of continuous and exclusive use.

Similarly, the Indian Claims Commission (ICC) did not extinguish Indian aboriginal use rights to the three-mile seaward zone at issue here. In 1964, Congress appropriated funds to pay the judgment of the Commission awarding the "Indians of California" compensation for the taking of their lands by the United States. *Thompson v. United States,* 13 Ind. Cl. Comm. 369

(1964); 78 Stat. 1033. In other cases, the payment of such compensation by the Indian Claims Commission has been held in certain circumstances to extinguish aboriginal rights. *Western Shoshone National Council v. Molini,* 951 F.2d 200 (9th Cir. 1991). Those cases do not apply here, because the California ICC decision was limited to lands within the State of California, and at the time of the taking by the United States, the three-mile seaward zone was not indisputably within the State's boundaries. *United States v. California,* 381 U.S. 139 (1947) (Until the enactment of the Swamp Lands Act, the State of California had no title to or property interest in the Pacific Ocean lying seaward of the ordinary low water mark on the coast of California extending seaward three nautical miles). Because the area covered by the ICC decision was not within the State's boundaries, the decision cannot be interpreted to have extinguished any aboriginal rights to the three-mile seaward zone. *See People of the Village of Gambell v. Hodel,* 869 F.2d 1273 (1989) (Alaska Native Claims Settlement Act did not extinguish aboriginal title to the seabed because the area in question was not within the boundaries of the State of Alaska).

California and its agencies are obligated to avoid interference with the exercise of aboriginal rights. Such rights are superior to the rights of third parties, including states. *See Oneida Indian Nation v. County of Oneida,* 414 U.S. 661, 667-669 (1974). The Regional Profile should note the fact that California Indian Tribes have consistently taken the position that the most effective way to respect Indian aboriginal uses is to design Marine Protected Areas so as to avoid those areas where Tribal uses are occurring.

Comments on Section 7.1.2: Native American Tribal Governments and Jurisdictions

The subsection entitled "Federally Recognized Native American Tribes" should explain the implications of the fact that the Tribes' relationship with the State and the federal government is based on a political rather than racial classification. *Morton v. Mancari,* 417 U.S. 535 (1974). For the MLPA Initiative, the legal implications are that the promulgation of Marine Protected Areas may accommodate and respect aboriginal use rights for Tribes without risk of violating the constitutional principal of equal protection of the laws. The California Attorney General has recently concluded that the California Constitution does not preclude Caltrans from including hiring preferences established by Tribal Employment Rights Ordinances as part of the agency's contracts for construction and maintenance work on Indian lands. Office of the Attorney General, State of California, Opinion No. 07-304, March 8, 2010, 10 Cal. Daily Op. Serv. 2962. The same rationale and result apply to the activities of the MLPA with regard to Tribal subsistence activities.

In the same subsection, the consultation policies of the Department of Parks and Recreation, CalFire and Caltrans should be added to the discussion of SB 18. *See, e.g.,* Department of Parks and Recreation, Departmental Notice No. 2007-05, November 16, 2007.

This subsection omits any discussion or analysis of the nature and scope of a Tribe's governmental jurisdiction. The subsection should be revised to include the basic federal law on this issue. The Marine Life Protection Act should be implemented in a manner that respects the inherent sovereignty of North Coast Tribes. The Tribes' right to self-government predates the formation of the United States and the State of California. One of the earliest decisions of the United States Supreme Court characterized Indian Tribes as "distinct, independent political

communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial . . . .[W]ithin their boundary, [tribes] possessed rights with which no state could interfere." *Worcester v. Georgia,* 31 U.S. 515, 559-560 (1832) (ruling that the laws of Georgia can have no force within Indian country). This is the law of the United States today. *United States v. Enas,* 255 F.3d 662, 666 (9th Cir. 2001) (Indian Tribes are "autonomous sovereigns" and their inherent authority comprises the power to control their internal relations and to preserve their "unique customs and social order."). The State of California and its agencies are obligated under principles of federal law to respect Tribal sovereignty, and state agencies in particular are required to avoid interference with the exercise of Tribal sovereign rights. *Williams v. Lee,* 358 U.S. 217 (1959) (federal law prohibits states from infringing on the right of Indians to govern themselves).

Where the sovereign powers of Tribes are at their strongest, the authority of the State is at its weakest. Here, the balancing of interests between Tribal and State authority strongly suggests that State agencies should defer to the exercise of Tribal sovereign rights. An unbroken line of federal judicial decisions confirms that Tribes have sovereign authority over their members, and that this authority may well extend beyond the boundaries of Indian reservations. *See, e.g., United States v. Mazurie,* 419 U.S. 544, 557 (1975) (Indian tribes retain attributes of sovereignty over both their members and their territory). In other words, federal law recognizes the authority of Tribal governments over their members regardless of where they are located. *White Mountain Apache Tribe v. Bracker,* 448 U.S. 136 (1980) (the right of Indian tribes to make their own laws applicable to their members is an independent barrier to the exercise of state jurisdiction). Under these circumstances, the Tribal sovereignty doctrine does not entirely preempt the State's authority in the three mile zone. Rather, the fact that Tribal members carry out traditional fishing, gathering and other cultural activities there under the auspices of their Tribal governments and pursuant to Tribal laws strongly favors a State policy which avoids interference with such uses.

The subsection entitled "State Code and Related Federal Laws and Regulations" should be expanded to include those provisions of the Department of Fish and Game regulations which authorize and permit fishing by Tribes outside their Reservations or Rancherias. These include:

Maidu Indian Tribe

The Department may issue permits to take Fall-run Chinook Salmon in the Feather River using traditional fishing equipment and methods of the Maidu Indians for religious or cultural purposes. Permits shall include any restrictions necessary to prevent damage to aquatic resources and to protect endangered or threatened species. 14 CA ADC § 8.20. Adopted June 18, 2001.

The Karuk Tribe

The regulations exempt members of the Karuk Tribe from the prohibition on fishing from

the Ishi Pishi Falls road bridge upstream to and including Ishi Pishi Falls from August 15 through December 15. Members of the Karuk Tribe may fish there using hand-held dip nets. 14 CA ADC § 7.50(b)(91.1)(B)2.

This subsection does not include any discussion or analysis of federal laws and regulations, so the title should be revised or that discussion should be included.

Friends of the Ten Mile

PO Box 1006

Fort Bragg, CA 95437

MLPAI

Comments for the North Coast Regional Profile

Friends of the Ten Mile is a 501(c)3 affiliate organization of Redwood Coast Watershed Alliance. We have been actively involved in coastal issues since 1988. Our main area of concern extends from the Ten Mile River to Westport. Our members have a strong environmental ethic and have been very successful at protecting this area from unsound and ecologically damaging development projects.

We are aware that nearly all of the external arrays that have been submitted for consideration in the MLPA process for this region designate the Ten Mile area as an MPA.

We notice that both the Conservation Coalition and the S.E.A. arrays extend the Ten Mile MPA north to Bruhel Point. The northern boundary of the MOCA array is just north of the Pacific Star winery. The latter is our preferred northern boundary.

The stretch of coast from the winery north to Bruhel point is public land and is of great importance to local residents as a shore-based subsistence food gathering area. CalTrans has recognized the importance of access to this area by providing a parking area and a paved path to the shore.

It is the only easily accessible point of access that holds a wealth of harvestable sea life from Cleone seven miles to the south to Westport, four miles north. While the population of this 11 mile stretch of coast is well below 500 and very few people actually gather there, this area is highly valued by the few who do, for it's abundant and uncontaminated seafood.

While the ecological values of siting an MPA in this region are debatable, the value of the Bruhel Point area as a food-gathering site is not.

Thank you for including this important information.

Judith Vidaver, Chair, Friends of The Ten Mile

Dominique Monie <dominiquemonie@gmail.com>

Additional Comments for the NCSR Draft Regional Profile from Mendocino County

Jeanine Pfeiffer <jeanine.pfeiffer@gmail.com> **Tue, Apr 20, 2010 at 7:07 AM**
To: Dominique Monie <dominiquemonie@gmail.com>
Cc: Steve Dunnicliff <dunnicls@co.mendocino.ca.us>, Roland Sanford <sanfordr@co.mendocino.ca.us>, Dennis.Mullins@edd.ca.gov, Mark Taylor <mtaylor@mcn.org>, Doug Hammerstrom <thehahas@mcn.org>, Linda Ruffing <LRuffing@fortbragg.com>, Jere Melo <jlmelo@mcn.org>, Jim Martin <flatland@mcn.org>, Kendall Smith <smithk@co.mendocino.ca.us>, Supervisor Colfax <colfaxd@co.mendocino.ca.us>

Dominique:

Good to touch base with you today! As I submit these comments, I want to thank you for your hard work in reviewing and incorporating these additions to the *Draft Regional Profile for the North Coast Study Region*.

The comments and attached documents are provided by local and regional administrators; and relate to the comments submitted by Mark Taylor (below).

a. " I have reviewed the relevant portions of the document per your request. It is quite impressive and well written. None of the 6 stated MLPA goals deal with economic development/preservation or the protection of tourism however.

Also, though various aspects of tourism and recreation were discussed at length **there were a few left out such as canoeing, surfing and whale watching, all of which are important to us.**

Also, though discussed in the body of Section 5, **many important activities were not listed in the summary; such as sport fishing, whale watching, ab diving, urchin and crab fishing, canoeing, ocean kayaking and surfing.**"

b. "For some reason "Living Resources" is not included in Mendocino County's coastal economy. I have attached a scan taken from the 2008 crop report which indicates our commercial fish catch has averaged approximately $7,000,000 annually since 1999. Based on the stated definition of Living Resources, this figure is low in that it doesn't include processing, etc. It is still notably higher than the "Transportation" category which they did include....After taking another look at the information referenced in the study, I realized they are referencing sector wages as opposed to output. I am pretty sure that the study's definition of "Living Resources" crosses EDD sectors which include "manufacturing" in addition to "natural resources", both of which have large components entirely unrelated to the coast. " **(REFER TO ATTACHED PDF FILE)**

c. "I've attached a spreadsheet containing fishing and related industry establishment, employment and wage totals from our Quarterly Census of Employment and Wages (QCEW) program. Also included is Census Bureau Nonemployer data. Annual average QCEW data is available only up to 2008 and the Census data is available only up to 2007, so in terms of time frames the data is comparable in 2005, 2006, and 2007.

Unlike the Fishing industry, detailed data is not available for fish processing and canning (food manufacturing), or fishery related tourism (Accommodation and food services). As a result, I've used a cluster approach to measure the fishery impact to Mendocino's economy. The idea here is that Mendocino's fishing, food manufacturing, and

tourism industries are interconnected and interdependent. An example is that tourists may visit Mendocino to fish out of Fort Bragg, tour wineries in the valley, and purchase any number of manufactured food products to consume while there and to take home.

I highlighted the estimated 2007 impact aggregate ($84,571,839). I should also add that these are my own selection of the primary industries comprising the fishing cluster. Data within the retail industry including fishing equipment, bait, licenses etc., are not included because fishery specific retail data is not available. **(REFER TO ATTACHED EXCEL FILE)**

Let me know if I've not covered everything or if there are questions
Dennis Mullins,North CoastRegion - Labor Market Information Division www.labormarketinfo.edd.ca.gov

Begin forwarded message:

From: "mark taylor" <mtaylor@mcn.org>
Date: April 13, 2010 5:34:11 AM GMT+00:00

To: "MLPA comments" <MLPAComments@Resources.ca.gov>
Cc: "Jeanine Pfeiffer" <jeanine.pfeiffer@gmail.com>
Subject: North Coast Regional Profile

Dear MLPAI Team,

I wrote to you before concerning the first draft Regional Profile. Several of the items I noted are still, in my opinion, misleading or wrong.

Specifically, in section 5.1, where county profiles are provided, there are graphs showing the Ocean Economy Wages for each county. These graphs are colorful and take up at least half a page for each county and dominate the attention of a non careful reader. In Mendocino County's case, the graph shows no commercial fishery (Living Resources) wages. The lead in to the graph also characterizes the Ocean Economy Wages on the basis of the data that drew the graph.. Under the graph , a "fine print" footnote finally mentions that there was, in fact, no data available for Living Resources Wages in the collected data. The graphs for all three counties have such footnotes that belie the impression of the graphs they reference. Inasmuch as one of the largest private employers in Mendocino County is an urchin processer, I would hope you would find this as misleading and distorted as I do, and a kind of sloppy usage of incomplete information. As this Regional Profile will inform even more processes than MLPA, I would think that it would be far more professional, and honest, in cases where the gaps are substantial, to acknowledge an absence of data in the same light as the data actually on hand, and not as a footnote.

Similarly, I originally objected to the characterization of the data about boating in section 5.7.2 (pg. 106). This is a sub heading under 5.7 - Non Consumptive Uses. In this description, it goes out of its way to describe boating uses by way of percentages of non fin-fishing or non fishing trips. It refers the reader to a table of statistics to prove it all. I wrote to you about the inaccuracies of the percentages cited. While you did make some changes and mention the mitigating factors, such as enforcement, maintenance and unidentified uses, the impression created from the percentages in the sentences preceding is still misleading.

As this is in a section on Non Consumptive Uses, (and it's curous that you would include a category so overwhelmingly consumptive in this section) I would suggest that it characterize those uses, something like this: "Non Consumptive activities include Recreational Cruising, Whale Watching, Bird Watching, Non Consumptive Diving, Research, Burial at Sea, and other Commercial Activity, and

comprise a range of from 3.3% (Del Norte County) to 7.6% (Mendocino County) of surveyed boating activity in the North Coast Region". I realize there might be a problem with the characterization of those numbers, too, for the same reasons the numbers for "non fishing trips" are skewed, but the point is, that this is a difficult dataset from which to extrapolate (because it includes uses which are not strictly consumptive or non consumptive), without eliminating some categories and refiguring percentages. That would be more honest, but gets into sticky territory, and I hope it's because you're reluctant to deviate from the actual numbers in the data and not some attempt to spin numbers to create an impression not supported by data. So, I would suggest again that you acknowledge the problems with the data set, and try to avoid mischaracterizing the numbers. The table stands for itself, let the readers do the interpreting.

Finally, you continue to list MacKerricher Park as having a boat launch. I was wrong before - it does indeed have one. But it launches into Lake Cleone, a little freshwater pond that's separated from the ocean by a haul road that's been there for decades. There is no access to the ocean, as the water exits via culvert to the beach and the ocean beyond, and the fish are all freshwater (mostly trout, which used to be stocked, and bass). As this type of stream isn't considered part of the area within the parameters of the MLPA, I don't think the launch should be included, either.

I suppose it's too late to make any changes, but I feel these are pretty big holes, and show some of the pitfalls of using "best available science". I realize how enormous and difficult the compiling of report such as this is, but incomplete data or data with only a peripheral relation to a subject can be used to make broad and misleading statements. In the haste to compile the profile, I'm sure databases were scoured for any information even remotely related to the region. While there is a lot of data in some areas, others are patchwork or fitted to different areas of research. And that information was cobbled together to make the report. The danger lies in reporting and interpreting simply on the basis of the data one has at hand, as opposed to seeing where that data fits in the bigger picture, and noting its shortcomings, if they exist. It really isn't a failing to admit that we haven't studied everything, it opens the possibilities of further exploration, one of the goals of the MLPA.

The examples I've noted are from the body of the report. I didn't dive deeper into the underlying references - how many holes could be found there? To some extent, this regional profile will less inform the MLPA process than the more detailed findings of the SAT, but it will be on record and be used by other entities in other processes. In that it is a permanent, and supposedly objective document, I would hope that you'd strive to avoid oversights like this, as well as keeping this profile as an open document that could be added to and corrected as more data is collected.

Thank you,

Mark Taylor

Jeanine Pfeiffer
jeanine.pfeiffer@gmail.com

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Jeanine Pfeiffer, PhD
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2 attachments

MendoMLPAdata.xls
19K

CR.pdf
46K

MENDOCINO COUNTY
QUARTERLY CENSUS OF EMPLOYMENT & WAGES
ANNUAL AVERAGE INDUSTRY EMPLOYMENT (QCEW)

	NAICS Code	Detailed Industry Title	Number of Establish-ments	Average Monthly Employment	Total Annual Payroll	Average Weekly Pay
2008	1141	Fishing	18	49	$3,924,790	$1,535
2007	1141	Fishing	18	40	$3,155,200	$1,504
2006	1141	Fishing	19	44	$2,867,159	$1,258
2005	1141	Fishing	22	45	$2,618,716	$1,121
2008	72	Leisure and Hospitality	337	3,995	$58,492,098	$282
2007	72	Leisure and Hospitality	343	4,169	$59,360,545	$274
2006	72	Leisure and Hospitality	346	4,235	$58,323,456	$265
2005	72	Leisure and Hospitality	349	4,199	$54,151,960	$248
2008	311	Food Manufacturing	17	312	$7,605,588	$469
2007	311	Food Manufacturing	16	281	$5,994,094	$411
2006	311	Food Manufacturing	18	273	$5,667,176	$400
2005	311	Food Manufacturing	18	328	$5,949,098	$348

2007 Total Combined Industry
/ages & Receipts
$84,571,839

NONEMPLOYERS (SELF EMPLOYED) (CENSUS DATA)

	NAICS		Firms	Receipts
2007	1141	Fishing	149	$7,647,000
2006	1141	Fishing	132	$7,291,000
2005	1141	Fishing	136	$6,884,000
2007	311	Food manufacturing	16	$727,000
2006	311	Food manufacturing	12	$646,000
2005	311	Food manufacturing	18	$709,000
2007	72	Accommodation and food services	163	$7,688,000
2006	72	Accommodation and food services	167	$11,955,000
2005	72	Accommodation and food services	151	$12,143,000

SUPPLEMENT TO CROP REPORT COMMERCIAL FISH CATCH

COMMODITY	TOTAL LBS	TOTAL VALUE
CRAB, DUNGENESS	687,900	$ 1,833,890
SABLEFISH	807,542	$ 1,578,191
SEA URCHIN, RED	2,627,718	$ 1,802,403
SOLE, DOVER	1,433,058	$ 557,500
SOLE, PETRALE	452,933	$ 510,870
THORNEYHEAD, LONGSPINE	379,089	$ 163,530
THORNYHEAD, SHORTSPINE	133,715	$ 127,140
ROCKFISH, GROUP SLOPE	128,559	$ 81,607
ROCKFISH, CHILLPEPPER	92,431	$ 81,491
ROCKFISH, GOPHER	9,077	$ 59,762
MICELLANEOUS	451,274	$ 316,570
TOTALS	7,203,296	$ 7,112,954

COMMERCIAL FISH CATCH TEN YEAR VALUE COMPARISON

YEAR	POUNDS	VALUE
2008	**7,203,296**	**$ 7,112,954**
2007	5,931,839	$ 7,038,220
2006	5,468,557	$ 5,763,048
2005	6,603,170	$ 6,615,121
2004	7,058,011	$ 7,941,313
2003	9,615,994	$ 10,993,736
2002	10,666,604	$ 8,260,477
2001	8,390,895	$ 7,488,535
2000	9,138,022	$ 8,430,200
1999	9,206,159	$ 7,427,600

Source - State of California Department of Fish and Game
All figures are rounded - 2006 figures are preliminary

From: **Brandi Easter**
Date: Thu, Apr 8, 2010 at 1:04 PM
Subject: Wreck Info
To: Dominique Monie
Cc: MLPAComments@resources.ca.gov

Hi Dominique,

Thank you again for the follow up call this morning regarding my NC profile comments from December 17, 2009 and March 24, 2010 pertaining to the shipwrecks in the Crescent City area. Consulting my dive logbook, I just happen to have the specific (spacial??) lat/long info noted for both the Queen Christina 41 46.86 / 124 15.55 and the USS Emidio 41 11.29 / 124 12.06 to have additionally noted for the February 19, 2010 Atlas of the North Coast Study Region (California-Oregon Border to Alder Creek) Regional Profile of the North Coast Study Region, Habitat & Species Atlas, Crescent City, Map Sheet No:03 page 6. Again, had I known you needed that specific of specific, I could have provided it in December with my initial comment. We go forward.

Rationale to have them noted:

Both are within the 10 mile suggested safety zone of Crescent City Harbor, ease of access

Both have historical significance - Queen Christina (resting in about 20' http://www.nps.gov/history/history/online_books/redw/history12c.htm) and the SS Emidio (just outside harbor mouth in about 45-50' http://www.parks.ca.gov/listed_resources/default.asp?num=497).

Both are dive destinations: Queen Christina more of a rumble wreck (not intact) but worthy of a scenic dive, USS Emidio, although not fully intact, has some existing structure and holds fish.

USS Emidio potential site for H/L fishing as well as spearfishing

Please let me know if you need subsequent information.

Thank you,

Brandi Easter
NCRSG member

From: Brandi Easter
Sent: Wednesday, April 21, 2010 11:15 AM
To: MLPAComments
Subject: profile comments

Hi Team,

Understanding this will not be included in the 3rd printing, having this noted online would be appreciated.

RE: Spearfishing Competition sites, Noyo Harbor entrance was not noted. It was the launch site for August 7, 2007 US Nationals Spearfishing Competition. Other past sites can also be seen at the link below.

http://www.cencalspearfishing.org/Past%20Events/Default.aspx

Thank you for your consideration,

Brandi